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THESIS

**BLOOD VERSUS LAND: THE COMPARATIVE
FOUNDATIONS FOR CITIZENSHIP AND VOTING
RIGHTS IN GERMANY AND SWEDEN**

by

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March 2010

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CITIZENSHIP AND VOTING RIGHTS IN GERMANY AND SWEDEN**

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ABSTRACT

The current process of immigration and integration of foreign-born residents into European society could potentially cause significant shifts in the demographics, politics, and national identities of many European nations. The influence of immigration has stretched beyond the guest worker programs of the postwar era into long-term residence by foreign-born workers and peoples, accelerating after the end of the Cold War. Globalization further enables immigration, and these people have developed greater stakes in the economies and cultures they live within. The incorporation of these immigrants into the democratic process, specifically through their access to the ballot box, portends several important effects on European politics. The first and most obvious is through the expression of different political preferences by these immigrants and the degree to which they are assimilated, integrated, or incorporated into the political process. This thesis will examine how two major immigrant destination states within the European Union extend voting rights to immigrants from outside the EU. These will be Germany and Sweden. The thesis concludes that the historical path to democratic franchise, and migration controls establish legal precedents that shape the path to inclusion for each of these countries despite their contrasting outcomes.

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	DEMOCRATIC SUFFRAGE IN EUROPE.....	1
B.	EUROPEAN IMMIGRATION TRENDS	2
1.	History of Immigration.....	3
2.	Scale of Immigration.....	5
3.	Political Impact of Immigrants.....	8
C.	PROBLEM AND HYPOTHESIS.....	10
D.	LITERATURE REVIEW	11
E.	METHODS AND SOURCES.....	13
II.	GERMANY	15
A.	GERMAN IMMIGRATION HISTORY	15
B.	SUFFRAGE IN GERMANY	18
C.	CITIZENSHIP IN GERMANY.....	22
III.	SWEDEN	31
A.	SUFFRAGE IN SWEDEN	31
B.	SWEDISH IMMIGRATION HISTORY.....	40
IV.	CONCLUSIONS AND ADDITIONAL QUESTIONS	47
A.	CONCLUSIONS	47
1.	Each Country Is Unique.....	47
2.	Geographic Proximity Influences Nationalism	48
3.	Social Welfare Does Not Appear to Matter	50
B.	SEVERAL QUESTIONS FOR FUTURE INVESTIGATION.....	51
1.	Immigration Within the EU and Its Effect On Voting.....	51
2.	Understanding the Metamorphosis from Immigrant to Citizen ...	52
	BIBLIOGRAPHY	55
	INITIAL DISTRIBUTION LIST	61

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LIST OF FIGURES

Figure 1.	Region of origin for immigrants in Sweden 1970	37
Figure 2.	Foreign citizens entitled to vote and turnout in local elections 1976–1985	39
Figure 3.	Foreign-born population by region of origin (1970–2004).....	46
Figure 4.	Comparative rates of participation in national and EU elections	52

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LIST OF TABLES

Table 1.	2006 top twelve immigrant destinations in EU.....	5
Table 2.	EU-27 rates of population change.....	7

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I. INTRODUCTION

A. DEMOCRATIC SUFFRAGE IN EUROPE

The historical relevance, treatment, and importance of immigration in Europe differs significantly from the United States. The United States long established itself as a nation of immigrants. The emigration history of European nations profoundly affected the character and makeup of the United States. By contrast, the influence of immigration on European nations is not as old as U.S. immigration history, but it is relevant to contemporary history and ongoing changes in Europe. The current process of immigration and integration of foreign-born residents into European society could potentially cause significant shifts in the demographics, politics, and national identities of many European nations. The influence of immigration has stretched beyond the guest worker programs of the postwar era into long-term residence by foreign-born workers and peoples, accelerating after the end of the Cold War. Globalization further enables immigration, and these people have developed greater stakes in the economies and cultures they live within. The long-term impact has and will continue to reach far beyond the short-term needs for labor.

Because of the influx of immigrants into Western Europe, the incorporation of these immigrants into the democratic process, specifically through their access to the ballot box, portends several important effects on European politics. The first and most obvious is through the expression of different political preferences by these immigrants and the degree to which they are assimilated, integrated, or incorporated into the political process.

Foreign workers in Western Europe participate politically more often and in more diverse ways than generally thought. Their participation often is politically disruptive and has contributed to the growing perception that the sociopolitical costs of foreign labor policy outweigh its economic benefits Until recently, most observers of European politics simply have ignored them. Among the handful who have not, mainly Marxists,

foreign workers are portrayed as an apolitical mass whose passivity and inferior legal status serves to reinforce the political status quo.¹

The response by host nations is often to restrict immigration, restrict the path to citizenship, or both. In the case of Germany, one of the fundamental expectations is that immigrants learn the German language and culture sufficiently to understand and accept a German concept of civic commitment, which is a qualification for citizenship and the right to vote. This represents a strong movement to assimilate immigrants to the host culture, ostensibly mitigating the effects of immigrant preferences on voting that might otherwise be different.

Extension of suffrage to immigrants may also act as a conduit for spreading democratic ideals and expectations back to the emigrant countries. Increased access to communications and travel with native lands not only facilitates greater preservation of immigrants' native language and cultural identity, it can also act to transmit perceptions, expectations, and myths about Western democracy back to their native lands based on personal experience in their new countries of residence. Failure to gain access to the democratic process may be a factor in alienation and radicalization of groups within Europe and may also negatively influence the prospects of democracy in native lands.

With this as a backdrop, I intend to look at how two major immigrant destination states within the European Union extend voting rights to immigrants from outside the EU. These will be Germany and Sweden. Historical analysis is used to determine the relevant underpinnings of voting rights for the selected countries—examining each country as an individual case before reflecting on salient similarities and differences.

B. EUROPEAN IMMIGRATION TRENDS

In the latter half of the twentieth century, Western European states became immigrant destinations, reversing the predominant trend of the previous two centuries as labor exporters. Several factors have contributed to migration patterns unforeseen by the European states. These include two world wars, decolonization by European powers, the

¹ Mark J. Miller, *The Political Impact of Foreign Labor: A Re-evaluation of the Western European Experience*, Vol. 2, in *Migration in European History*, ed. Colin Holmes, 148–184 (Brookfield: Edward Elgar Publishing Company, 1996): 148.

collapse of communism and the Iron Curtain, the effects of globalization, and the instability and economic hardships in the Middle East, Asia, and Africa. In spite of the historical trend that Europe has been an emigrant source, Western Europe has become an immigrant destination. Even within Europe, however, there is a profound disparity between countries and the relative number of immigrants each accepts. In 2006, twelve states, mainly Western European countries within the EU27, received in excess of 30,000 immigrants each, and together these countries accounted for over 93 percent of the three million immigrants to EU states that year. (See Table 1)

1. History of Immigration

Shortages or surpluses in the labor market are the primary drivers in shaping the extent (character) of immigration pressures and state policies. In fact, “throughout the eighteenth century, the need for workers and soldiers was so great in many of the European countries that measures were taken to hinder emigration. It was not until 1793 that England, with the passing of its Alien Bill, introduced immigration control.”²

Thomas Hammar provides an excellent summary of historical trends for European migration from the nineteenth century forward. The most prevalent influence on immigration policy for Europe during the nineteenth century, however, were a combination of high birth rates and low death rates. Foreign travel, to include working and taking up residence was largely unregulated, “with the exception of tsarist Russia.”³ The scope of emigration from Europe during this period exceeded 34 million persons, with only France and Switzerland receiving significant numbers of immigrants prior to 1914.⁴ Hammar identifies four major periods of European migration:

² Gören Rystad, *Immigration History and the Future of International Migration*, Vol. 2, in *Migration in European History*, ed. Colin Holmes, 555-586. (Brookfield: Edward Elgar Publishing Company, 1996): 556.

³ Tomas Hammar, *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration* (Brookfield: Ashgate Publishing Limited, 1990): 42.

⁴ Ibid.

1. Free immigration and large emigration 1860–1914
2. Immigration regulation and aliens control: a provisional system made permanent, because of unemployment and racism 1914–1945
3. Liberal immigration: recruitment of foreign labor, and colonial immigration 1945–1974
4. Strict immigration regulation: only family members and political refugees admitted.⁵ 1974–

The postwar period of liberal immigration is the most important to the present question of voting rights as it represents the largest movement of persons within or into Europe. It is also important because of one critical assumption at work in nearly all of the immigrant destinations during this period—that workers brought into a given country to satisfy labor shortages would eventually return to their country of origin when their labor was no longer needed.⁶ This assumption drove policy that largely neglected any tailored efforts to assimilate or integrate workers and their families into the host country, laying the foundation for long-term conflict between immigrant communities and host nations as immigrants became more invested in their new countries and less inclined to emigrate back to their country of origin.⁷ Between the two countries examined here, this particular scenario is most relevant to Germany.

One period not identified by Hammar’s summary is the apparent change in migration forces since the end of the Cold War. Greater openness between Western Europe and the former Warsaw Pact nations, especially through EU integration has provided new avenues and incentives for movement and entry into Europe. The scale of contemporary immigration demonstrates that despite the trend towards more restrictive movement of persons since 1974, Europe continues to receive significant numbers of immigrants.

⁵ Hammar, *Democracy and the Nation State* 1990, 45.

⁶ Ibid., 44.

⁷ Rystad, “Immigration History and the Future of International Migration” in *Migration in European History* 1996, 559.

2. Scale of Immigration

As previously mentioned, twelve of the EU27 countries account for over 93% of the total immigrants within the EU. Germany and Sweden will be the focus of this analysis both for their relevance as major immigrant destinations and because they employ different policies regarding immigrant enfranchisement. Table 1 shows that these countries collectively represent just over 24% of the total EU population. Their collective share of the total number of immigrants moving into the European Union in 2006 is over one-third, at 35%.

Table 1. 2006 top twelve immigrant destinations in EU⁸

Country	Population in millions	Percent of EU population	Immigrants	Share of total EU immigrant population
EU total	493		3,095,506	
Belgium	10.5	2.13%	35,143	1.14%
Czech Republic	10.3	2.09%	66,125	2.14%
Germany	82.4	16.71%	558,467	18.04%
Ireland	4.2	0.85%	84,365	2.73%
Greece	11.1	2.25%	86,693	2.80%
Spain	43.8	8.88%	802,971	25.94%
France	63	12.78%	182,390	5.89%
Italy	58.8	11.93%	392,771	12.69%
Netherlands	16.3	3.31%	67,657	2.19%
Austria	8.3	1.68%	85,384	2.76%
Sweden	9	1.83%	80,398	2.60%
United Kingdom	60.4	5.88%	451,702	14.59%
Subtotal	378.1		2,894,066	
Subtotal as a percentage of EU total	76.7%		93.5%	
DE, & SE totals	91.4	18.84%	638,865	20.64%

⁸ Anne Herm, *Population and Social Conditions*, Statistical report, Eurostat, European Commission (Brussels: European Commission, 2008): 9. European Commission, *Total Population - At 1 January*, January 1, 2009, <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tps00001> (accessed November 4, 2009).

The fact that Europe received nearly three million immigrants during a single year will have a significant aggregate effect on the demographic makeup of these countries, especially when combined with the low fertility rates of the native citizens. Generally, a replacement fertility rate of 2.1 is necessary to maintain the population of a developed country.⁹ As illustrated by Table 2, the EU-27 show overall rates of replacement fertility well below the necessary level to maintain the current population without immigration. Research compiled in 2003 shows that “European fertility is 33% below replacement, regardless of which measure of replacement is used.”¹⁰ Germany and Sweden demonstrate this in varying degrees.¹¹ Germany shows a natural replacement rate that without intervention by other influences, would result in a decline in population. Immigration has offset the low natural replacement rate since 2000, but the downward trend in immigration rates will lead to a downward trend in overall population. Sweden shows a natural change rate just below the necessary level to sustain the population, but shows an overall growth rate due to immigration, which accounts for 75% of the net growth rate.

Beyond the two countries in question here, Europe’s natural replacement fertility rate has been consistently measured at between 1.1 and 1.4 over the past decade, sufficiently low that when combined with strong levels of immigration it will necessarily shift the demographic makeup of the region over time.¹² How these immigrants acquire the franchise (or not) within the overall spectrum of assimilation or integration, and their projected demographic significance, may also predict the degree to which they will influence the evolution of the host nation political culture and what shape that influence may take.

⁹ Thomas J. Espenshade, Juan Carlos Guzman and Charles F. Westoff, "The surprising global variation in replacement fertility," *Population Research and Policy Review* 22, no. 5–6 (December 2003): 575.

¹⁰ Espenshade et al., "The surprising global variation in replacement fertility," 579.

¹¹ Eurostat, "Data in Focus: EU-27 population continues to grow - Issue 31/2009," *European Commission: Eurostat: Statistics in Focus: Data in Focus*, August 3, 2009, <http://ec.europa.eu/eurostat> (accessed December 16, 2009).

¹² Eurostat, "Data in Focus: EU-27 population continues to grow - Issue 31/2009." Espenshade et al., "The surprising global variation in replacement fertility," 580.

Table 2. EU-27 rates of population change¹³

Rates of population change (per 1000 population)

	Natural change			Net migration [*]			Total change		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
EU27	0.6	1.0	1.2	1.5	4.2	3.1	2.1	5.2	4.3
Euro area (EA16)	1.1	1.2	1.2	3.1	5.5	3.6	4.2	6.6	4.8
Belgium	1.0	1.9	2.2	1.4	5.9	6.0	2.4	7.7	8.2
Bulgaria	-5.1	-4.9	-4.3	0.0	-0.2	-0.1	-5.1	-5.1	-4.4
Czech Republic	-1.8	1.0	1.4	0.6	8.1	6.9	-1.1	9.1	8.3
Denmark	1.7	1.6	1.9	1.9	3.0	5.3	3.6	4.6	7.2
Germany	-0.9	-1.7	-2.1	2.0	0.5	0.0	1.2	-1.2	-2.0
Estonia	-3.9	-1.2	-0.5	0.2	0.1	0.1	-3.7	-1.1	-0.4
Ireland	6.1	9.8	10.4	8.4	10.6	4.0	14.5	20.4	14.5
Greece	-0.2	0.2	0.8	2.7	3.6	3.1	2.5	3.8	3.9
Spain	0.9	2.4	2.9	9.7	15.6	9.1	10.6	18.0	12.0
France	4.4	4.5	4.5	2.6	4.8	1.2	7.0	9.3	5.7
Italy	-0.2	-0.2	-0.1	0.9	8.4	7.3	0.7	8.2	7.3
Cyprus	4.6	4.1	5.2	6.7	9.4	0.8	10.2	13.5	6.9
Latvia	-5.0	-4.3	-3.1	-2.3	-0.3	-1.1	-7.4	-4.6	-4.2
Lithuania	-1.4	-3.9	-2.6	-5.8	-1.6	-2.3	-7.2	-5.5	-4.9
Luxembourg	4.5	3.4	4.1	7.9	12.5	15.8	12.4	15.9	19.9
Hungary	-3.7	-3.5	-3.1	1.6	1.4	1.7	-2.1	-2.1	-1.4
Malta	3.8	1.9	2.1	2.3	4.2	6.0	6.1	6.1	8.1
Netherlands	4.2	2.9	3.0	3.6	-0.1	1.9	7.7	2.9	4.9
Austria	0.2	0.2	0.3	2.2	2.2	4.1	2.3	2.4	4.4
Poland	0.3	0.3	0.9	-10.7	-0.5	-0.4	-10.4	-0.3	0.5
Portugal	1.4	-0.1	0.0	4.6	1.8	0.9	6.0	1.7	0.9
Romania	-0.9	-1.7	-1.5	-0.2	0.0	0.1	-1.1	-1.7	-1.4
Slovenia	-0.2	0.6	1.3	1.4	7.1	9.6	1.2	7.7	10.9
Slovakia	0.5	0.1	0.8	-4.1	1.3	1.3	-3.7	1.4	2.1
Finland	1.4	1.8	2.0	0.5	2.6	2.9	1.9	4.4	4.9
Sweden	-0.3	1.7	1.9	2.7	5.9	6.0	2.4	7.6	8.0
United Kingdom	1.2	3.2	3.5	2.4	2.9	3.7	3.6	6.2	7.2
Croatia	-1.5	-2.4	-1.9	-11.7	1.3	1.6	-13.2	-1.1	-0.3
Former Yug. Rep. of Macedonia	5.9	1.5	1.9	-1.2	0.1	-0.3	4.7	1.6	1.7
Turkey	14.1	12.8	11.5	0.9	1.6	1.6	14.9	12.8	13.1
Iceland	8.8	8.4	9.0	6.5	16.6	3.3	15.3	25.0	12.3
Liechtenstein	5.5	3.5	4.1	7.8	1.8	2.5	13.4	5.3	6.6
Norway	3.4	3.5	3.9	2.2	8.4	9.1	5.6	11.9	13.0
Switzerland	2.2	1.8	2.0	3.3	9.4	12.0	5.5	11.2	14.0

^{*} including the statistical adjustment that corresponds to all changes in the population that cannot be classified as births, deaths, immigration or emigration.

: Data not available

Data are provisional.

¹³ Eurostat, "Data in Focus: EU-27 population continues to grow - Issue 31/2009."

3. Political Impact of Immigrants

The political impact of immigrants in Europe is an evolving facet of contemporary immigration and its effects. The following discussion relies on the work of Mark Miller to challenge the standing assumptions about immigrant participation in the political process in Western Europe.

Despite significant levels of immigration in Europe dating back to the end of the Second World War, the question of immigrant political participation has been largely neglected. Mark Miller writes that immigrants are often viewed strictly as “economic agents,” owing to the very nature of their recruitment to fill labor shortages in the postwar economic era.¹⁴ This assumption relies on the belief, “that postwar migrations would be temporary market adjustments and that the sojourn of individual migrants in Western Europe would be short-term as migrants; once they had amassed sufficient savings or else had lost their jobs during recession, they would return home.”¹⁵

The assumption and expectation that immigrants would conveniently return to their home countries, however, never materialized, especially in the German case. This assumption began to be openly challenged by the 1970s, but it had already provided a strong foundation for excluding immigrants from the political process. Because of the assumption about the nature and short duration of immigration to Western Europe, little consideration was given to policies for integrating immigrants into the political process, or into the host society as a whole. Miller writes:

By 1970, as the ‘myth of return’ began to dissipate and the permanency of foreign worker production in Western Europe became apparent, the sociocultural dimensions of foreign worker policy were discovered. The soon burgeoning literature on migrant worker living conditions and adaptation problems revealed little prospect for significant foreign worker political role, unless their oppression was seen as shoring up the Western capitalist order. The defining elements of the foreign worker conditions, among them illiteracy and language barriers; an inferior legal status; sociocultural alienation; substandard wages, working conditions and

¹⁴ Miller, *The Political Impact of Foreign Labor: A Re-evaluation of the Western European Experience*, Vol. 2, in *Migration in European History*, 149.

¹⁵ Ibid.

housing; high accident rates; and the pervasive discrimination they encountered, were seen as precluding a significant degree of migrant worker political engagement or influence.¹⁶

These barriers to integration, and the lesser legal status of immigrants also present another barrier to political participation: residency insecurity. Miller notes that aside from an example in Germany during a recession in 1967, there has not been any systematic denial of permits for workers to remain and work.¹⁷ The uncertainty these workers face regarding their residency, or the perception of risk and uncertainty regarding their residency contributes to a tendency for immigrant “political expression to be oblique and nonorthodox as compared to that of citizens. . . . While residency insecurity inhibits migrant political expression, it may also be a radicalizing factory.”¹⁸ This may be further compounded by expectations of political participation due to the fact that workers in many countries are able to participate in the politics of their unions and workers associations.¹⁹

Just as frustration over denied political participation may act as an influence of radicalization, learned and observed behavior of political participation by immigrants may also have an important effect on the immigrant sending countries. In cases where immigrants do not become naturalized citizens, or in which they are allowed to establish dual citizenship by retaining citizenship in their country of origin, they are still technically part of the political process of their country of origin. Increased communication to their country of origin through travel, satellite television, and other electronic means allows them to remain engaged in the political developments there even while residing in Europe. Access to consular services, as well as their relative economic power also allows them the potential to participate as voters and influence the political process, and how emigration affects political sentiments of this population group is

¹⁶ Miller, *The Political Impact of Foreign Labor: A Re-evaluation of the Western European Experience*, Vol. 2, in *Migration in European History*, 150.

¹⁷ Ibid., 154.

¹⁸ Ibid., 155.

¹⁹ Ibid., 156.

fraught with significance to homeland governments.²⁰ One of the ironies in this discussion is that “despite their limited political rights in Western Europe, foreign workers often have more freedom of political expression abroad than at home[i.e., their native land]. Hence, it is not surprising to find political opposition groups active in every major emigrant worker community.”²¹

This greater freedom to participate politically in Europe versus the countries of origin also has generated concerns within Europe as the potential foreign political extremism and belligerent political activities could spillover from the home countries into Europe.²²

Ultimately, the question at hand is how these immigrants gain equal access to the ballot box within their country of residence. Whatever form that path takes, it is clear that immigrants have the potential to significantly influence the political process for their countries of residence as well as exert influence on their countries of origin.

C. PROBLEM AND HYPOTHESIS

Many Western European states have become immigrant importers reversing long historical trends as net people exporters. Access from former colonial possessions, generous policy towards refugees and persons in need of subsidiary protection, as well as economic émigrés from Eastern European states and other areas throughout the world have created a flood of new immigrants into Europe. In addition, the implementation of the Schengen Treaty provides unprecedented mobility for persons within the EU, including immigrants from outside the EU. There is no uniform basis for extending voting rights to immigrants within the European Union.

States vary in the legal justification they use to extend or restrict suffrage to citizens and where applicable, non-residents. In many cases, naturalization is the prerequisite for exercising any voting rights. In the cases where citizenship is the

²⁰ Miller, *The Political Impact of Foreign Labor: A Re-evaluation of the Western European Experience*, Vol. 2, in *Migration in European History*, 157–158.

²¹ Ibid., 164.

²² Ibid., 165.

prerequisite to voting, concepts regarding what it means to be a citizen and what conditions must be met by immigrants to gain citizenship are just as varied across the EU.

The challenge then, will be to survey relevant EU nations, and survey their individual approaches with respect to voting rights for immigrants. What historical forces have shaped voting rights within these countries? Do they require persons to become citizens, and if so, what are the barriers to citizenship within these countries? Finally, are there greater barriers for entry for immigrants from outside the EU than inside, and if so, why?

Western European countries will likely maintain their own, historically unique policies for granting immigrants the right to vote. Each nation employs different standards for voting rights, defines citizenship differently, and provides a unique path to naturalization. Some pressure for convergence towards common policy may exist, but the legal and political traditions that define each nation are not easily pushed aside in favor of changes to provide easier access to voting. Despite the adoption of a single legal standard for persons in need of state protection but do not fulfill the requirements of being designated a refugee under the so called Qualification Directive for Subsidiary Protection, little change has been observed in the treatment of persons seeking protection.²³

D. LITERATURE REVIEW

The challenge inherent to the existing literature is that so much has been written on democratic phenomena in Europe, yet the question at hand touches more than one academic discipline and several topics of existing research. The democratic process, immigration, assimilation, integration, concepts of citizenship, the rise of nationalism, and globalization are all relevant processes and phenomena to this question. Historical writings document the events and movements that have changed Europe from medieval monarchies to the liberal democracies of today. Political science has added much to

²³ United Nations High Commissioner for Refugees, *Asylum in the European Union: A Study of the Implementation of the Qualification Directive*, The UN Refugee Agency (Brussels: UNHCR, 2007): 13.

understand the evolving nature of voter preferences throughout Europe. In general, voters' preferences were a result of growing nationalism, the rise of mass politics and the evolution of cultural preferences.

Amongst the trove of research and analysis already available lies one important limitation: within the available academic writing there is an abject lack of analysis on the process for immigrants to gain voting rights. Significant research on migration, integration and assimilation buttress the wealth of knowledge on the topics already introduced, but only occasionally do these works mention the question of voting, and then only in passing. Grouped according to the relevant country, the following is a sampling of the strengths and limitations of the available literature for Germany and Sweden.

The German case centers on citizenship, as this is the prerequisite for suffrage. Rogers Brubaker is the leading authority and voice regarding German nationalism. His analysis covers the concept of what it means to be a member of a given nation and how that drives policy formulation for citizenship, immigration, and integration. Brubaker, Hagen Schulze, and others have written extensively on the formation of German nationalism from the perspectives of political scientists and historians. These works provide a clear foundation for understanding the evolutionary underpinnings of German policy regarding immigrants and the nature of their inclusion or exclusion from the benefits of the German state. Brubaker also contrasts this against the French experience, showing how differing evolutionary conditions helped each nation not only to develop its own identity, but the evolution also influences the form and method of expression of that identity. The *Volk*-oriented German nationalism builds from an ethnocentric foundation whereas the liberal French concept of a nation necessarily pushes a French national identity for all within the state, regarding race and ethnicity as irrelevant. The question of voting in Germany, and in France, is subsumed entirely into the issues and forces surrounding integration and citizenship. Tomas Hammar contribution discusses the low rates of naturalization in Germany, albeit the Federal Republic. He also examines the growing phenomenon of dual citizenship, a relatively new factor in the overall context of naturalization and citizenship.

The Swedish example contrasts sharply with most of Europe as non-citizen residents are able to vote and stand for office in some elections. Diane Sainsbury provides a comparative review of immigrant rights in the United States, Germany, and Sweden. It demonstrates the strong commitment to immigrant rights within Sweden, mentioning the right to vote in local elections for non-citizen residents after only three years of residency. Missing, however, is the historical background for understanding why there is such a strong commitment to immigrant rights and why suffrage for non-citizens, a curiosity comparatively speaking, would be attractive enough to implement. Thomas Hammar's writing on the evolution of immigration policy in Sweden recounts effectively the events and political supporters for the implementation of legislation regarding immigration reform, to include discussion on rights that Swedes wished to extend to immigrants. Both of these works fail to identify the source motivation to extend voting rights, not just rights in general, to immigrants. Nils Sternquist writes on the development of political parties and the suffrage movement, identifying the importance of liberal rights and equality in the party platforms for parties that would support generous rights, to include voting rights for immigrants.

E. METHODS AND SOURCES

The relative approaches taken by each of these countries is also an important factor in their selection, as they each demonstrate unique foundations for suffrage and requirements to exercise voting rights, whether by residency or according to citizenship through naturalization. On the surface, Germany is the most restrictive in granting voting rights. This is done exclusively through stringent residency, language, and cultural tests to qualify for citizenship. Sweden is the least restrictive in that it allows any legal resident to vote in local elections after three years, and anyone to apply for citizenship after five years of residency, thereby gaining voting rights for national elections. The United Kingdom falls between these two countries as it allows persons to vote only after becoming citizens, but with much more relaxed requirements than Germany. Of course pursuing the foundations of these different policy approaches is the real goal.

In a number of the cases, the evolution of nationalism left strong impressions on the legal definitions and standards for citizenship. While the precise details of national identity may be similar across different countries and regions, the interpretive perspective of the historical narrative can vary widely between neighbors and result in contravening policy approaches to adopt immigrants into the national identity and polity.

Each state will be analyzed in turn, according to the salient influences necessary to describe how a given state treats the question of extending voting rights for immigrants. The first theme will be the historical development of suffrage in each country. The second major theme will be the evolution of citizenship and its conceptual basis and legal codification. Third, contemporary immigration is examined and how the historical contexts of suffrage and citizenship apply to immigrants and their prospects for voting. Finally, overall trends are addressed and findings relative to existing EU efforts to institute uniform voting rights, or in the alternative, summarize the positions of the individual states to look for possible common ground for standards, rationale, or proposed changes that may intimate room for future changes for the EU as a whole. The intent is to provide a detailed look at each state before attempting to compare similarities, contrast differences, or evaluate EU wide initiatives and trends.

II. GERMANY

A. GERMAN IMMIGRATION HISTORY

The conventional perception of Germany is that it is not a country of immigration. Several writers have noted that, “the political and scholarly debate has tended to focus on the fact that the German government has stubbornly failed to recognize officially that the “guest-workers” first recruited in the 1950s had become de facto immigrants”²⁴ The perception Germans hold that they are not a country of immigrants is supported by Germany’s history prior to the middle of the nineteenth century. Since that time, however, Germany has clearly become an immigrant destination. The importance of understanding the actual scope and history of immigration to Germany is that German politics only very recently acknowledged that Germany is a country of immigration, and that policies for immigration and naturalization have not accounted for the very real presence of long-term foreign-born residents, their offspring, or newly arrived immigrants. Because Germans do not consider themselves and immigrant country, they do not extend enfranchisement based on residency, nor do they reconsider the basis for citizenship and voting qualifications that rely on *jus sanguinis*. What is behind the perception and politics that Germany is not an immigrant country?

Germany has a record of strong emigration, especially to the United States. By the time emigration flows largely ended by the mid-twentieth century, “nearly 8 million Germans emigrated (sic) to the United States,” pushed by a, “disproportion between population growth and employment opportunities. . . .”²⁵ The end of large scale emigration after the Second World War was not the first time German emigration ended,

²⁴ Barbara Schmitter-Heisler, *Contents of Immigrant Incorporation: Locating Dimensions of Opportunities and Constraints in the United States and Germany*, Vol. 14 (Part b), in *Industrial Development and the Social Fabric: An International Series of Historical Monographs*, ed. Herman Kurthan, Jurgen Filajkowski and Gert T. Wagner, 91-106 (Stamford: JAI Press Inc., 1998): 92.

²⁵ Klaus J. Bade, *Immigration and Integration in Germany Since 1945*, Vol. 1, in *Migration in European History*, 459-463 (Brookfield: Edward Elgar Publishing Company, 1996): 459. Hartmut Esser and Hermann Korte, "Federal Republic of Germany," in *European Immigration Policy: A Comparative Study*, ed. Tomas Hammar, 165-205 (New York: Cambridge University Press, 1985): 165-166.

nor was it the first time Germany faced the need for immigration to satiate labor needs. Remarkably, the historical range and scope of immigration to Germany is just as impressive as the well-known emigration.

By the end of the nineteenth century, labor shortages explain why Germany experienced more immigration than emigration. The first of these shortages occurred in eastern Prussia in the agricultural sector as early as the 1870s.²⁶ What evolved by the end of the century as labor shortages became more acute was a policy of importing Poles, but with an annual *Karenzzeit* period when they would be required to return to Poland in order to prevent them from taking up residence long-term in Germany, as well as restrictions on movement from the agricultural East to the western regions of Germany.²⁷ Additional labor shortages would expand the involvement of Polish workers and others to 309,000 workers in Prussia alone by 1908.²⁸ Overall, the involvement of foreign workers would reach “1.2 million on the eve of World War I.”²⁹ During the war this would grow with an additional 700,000 Poles, recruited voluntarily to work in Germany, but barred from leaving once they had arrived.³⁰ Additionally, “a large number of Hungarians and about 150,000 Belgians were forced to work in the German war economy.”³¹ The memory of significant emigration contrasting with the history of temporary foreign laborers during World War I, and the more than 8 million temporary laborers used during World War II may reinforce two important perceptions among Germans: that Germany is not and has not been an immigrant nation, and that large influxes of non-German immigration can be temporary and passing.

The postwar situation was that by the early 1960s, Germany needed additional labor to continue with the “economic miracle,” and the conclusion of bilateral agreements with Spain, Greece, and Turkey ushered in “the beginning of the “uncontrolled

²⁶ Esser and Korte, "Federal Republic of Germany," 166.

²⁷ Ibid., 166.

²⁸ Ibid., 167.

²⁹ Bade, *Immigration and integration in Germany since 1945*, 459.

³⁰ Esser and Korte, "Federal Republic of Germany," 168.

³¹ Ibid.

expansion” of immigrant labor. . . .”³² This influx of workers would continue largely unabated until 1973, interrupted only by a pause in the renewal of work permits during the recession of 1966–67. There are two items of particular note during this period. The first is the passage of the Aliens Act of 1965, which established the legal foundation for a tenuous residence status for every immigrant. It established “broad discretionary powers and does not grant foreigners any legal rights to residence.”³³ This law was the dominant legal guidance for immigration policy until the Foreigner’s Law went into effect in 1990. The second item was a recruitment stop in 1973 of foreign workers due to overall rising unemployment. While this led the number of foreign workers to drop by about a third by 1978, the number of foreign residents actually held steady and then began to increase, partly due to a policy of family reunification, which allowed foreign residents to bring their families to Germany. The second reason is that foreign workers recognized the recruitment stop. As a result, “more and more immigrants (did) not consider returning home because they fear that they will not be permitted to remigrate. . . once they have left.”³⁴ This would be the dominant trend in immigration until the end of the Cold War, except that Germany allowed ethnic Germans from elsewhere in Eastern Europe, *Aussiedler*, to immigrate to Germany and establish full rights of citizenship almost immediately.³⁵

With the end of the Cold War, the 1990 Foreigner’s Law becomes an immediate anachronism, as it “was not sufficient to cope with the extraordinary situation after the fall of the Berlin wall . . . Germany faced a massive influx of immigrants with the right to housing and basic income”³⁶ Despite this, and the increases in immigration consequent to further integration by the European Union, Grete Brochman points out that the German government did not consider Germany to be an immigration destination. She

³² Esser and Korte, "Federal Republic of Germany," 170.

³³ Ibid., 170.

³⁴ Ibid., 173. Cyrus and Vogel, "Germany," in *European Immigration: A Sourcebook*, 128.

³⁵ Bade, *Immigration and integration in Germany since 1945*, 461. Sainsbury 2006: "Immigrants' social rights in comparative perspective: welfare regimes, forms in immigration and immigration policy regimes," 234

³⁶ Cyrus and Vogel, "Germany," in *European Immigration: A Sourcebook*, 128.

writes, “German alien policy is, however, not meant to indicate that Germany is willing to define itself as an immigration country. According to Ursula Mehrländer, the government sees this as a unique historical experience which should not be repeated.”³⁷

The predominance of emigration in the first half of the nineteenth century, and the repatriation of temporary labor after the two world wars have long influenced the popular belief and consequent policies that Germany is not a country of immigration. Despite this, Germany is and has clearly been an immigrant destination for quite some time. By the mid 1990s, the majority of the immigrant population in Germany had been there for 20 years or more, along with a growing second and third generation.³⁸ Indeed,

Experts estimate that about 30 percent of the population residing in Germany was born abroad or has ancestors which immigrated to Germany after 1945. Only with the passing of the new Immigration Act in 2005 did the official position acknowledge that immigration takes place and should be properly managed and statistically counted in the future. Moreover, the integration of newcomers with the perspective to stay should be promoted along with more secure residence rights and integration courses.³⁹

The acknowledgement that Germany had become a country of immigration in 2005, as part of the Immigration Act, was the first such official admission despite debate on the subject dating back to the 1970s. Because German governments finally acknowledged the reality of long-term immigration, how does that acknowledgment shape policy? Have policies obstructed or facilitated the path to voting for immigrants? The answers to these questions will have a profound long-term affect on the character and makeup of German politics.

B. SUFFRAGE IN GERMANY

Germany experienced universal male suffrage relatively early in Europe. “On a cold day in March 1871, the new German Empire held its first elections based on direct,

³⁷ Grete Brochman, *European Integration and Immigration from Third Countries* (Boston: Scandinavian University Press, 1996): 118.

³⁸ Schmitter-Heisler, *Contents of Immigrant Incorporation: Locating Dimensions of Opportunities and Constraints in the United States and Germany*, 92.

³⁹ Cyrus and Vogel, “Germany,” in *European Immigration: A Sourcebook*, 127.

equal, manhood suffrage – the most progressive franchise in Europe.”⁴⁰ The franchise would be extended to women near the end of World War I, consistent with the adoption of universal suffrage in a number of other European countries.

As will be seen with the discussion on citizenship law in Germany, the establishment of universal male suffrage in Germany was part and parcel to the rise of nationalism in Germany. The legal and conceptual framework for understanding the German approach to voting was established during the nineteenth century. The influence of the rise of nationalism and the efforts of Chancellor Bismarck to expand and consolidate the political influence of Prussia have a significant impact on the legal precedents that will shape laws and expectations about voting during the twentieth century.

The introduction of universal male suffrage can seem oddly out of place considering the circumstances. Why would a chancellor, officiating on behalf of a monarch, and not beholden to the parliament except for money, potentially weaken his own power by introducing such a progressive democratic principle? Bismarck, of course, is not appointed chancellor with a mandate to introduce democracy to Germany. Instead, Bismarck faced the same challenge as other rulers in Europe, namely how to perpetuate the monarchy, the source of his power, while preventing revolution, its excesses, and general instability as had been seen in France. He faced an environment of rising parliamentarianism, sponsored by a growing middle class, restless to exercise greater political freedom and power, and a fractious German Confederation of thirty-nine states. Within the German Confederation, Prussia and Austria were the principle antagonists in a bid to unify the various German states into one. This is the general backdrop for Bismarck’s first democratic reform.

Bismarck sought to dominate the German Confederation and marginalize Austria. To do so, he needed the support of liberal nationalists within Prussia, “and in April 1866 (he) put forward a proposal for federal reform. This was truly revolutionary: Bismarck

⁴⁰ Margaret Lavinia Anderson, "Voter, Junker, Landrat, Priest: The Old Authorities and the New Franchise in Imperial Germany," *The American Historical Review* (American Historical Association) 98, no. 5 (December 1993): 1448.

the conservative was seeking an alliance with the nationalists, calling for a German parliament with universal manhood suffrage, and for the expulsion of Austria from the Confederation.”⁴¹ The genius (or luck) in this maneuver was that on the same day that Prussia soundly defeats Austria at the battle of Königgrätz, Prussian elections are held and, “resulted in a crushing defeat for the liberals.”⁴² It should be noted here that the liberals did not form a unified whole as a political party, and the liberals who suffered the greatest defeats were those who opposed the war with Austria. Furthermore, the resulting peace allowed Bismarck to dictate the formation of a North German confederation, which Prussia dominated, and a series of defensive alliances with the German states to the south. Four years later, Bismarck is able to deftly play the French, under Napoleon III, to declare war on Prussia and trigger the defensive alliances of the southern states.⁴³ The ensuing victory over the French allowed Bismarck to enter into treaties with the southern German states and elevating the King of Prussia, William, to German Emperor.⁴⁴ The elections of 1871, the first for universal manhood suffrage throughout Germany, took place just a few days after the Treaty of Frankfurt officially ended the Franco-Prussian War.⁴⁵ “They affirmed the results of the battlefield that had made possible the creation of a unified German nation-state.”⁴⁶ Furthermore, “Bismarck had calculated that universal manhood suffrage would enfranchise a conservative peasantry, as had been the case in Napoleon III’s France. . . .”⁴⁷ More important than the question of enfranchisement is the acceleration and harnessing of German nationalism that occurred both as a result of the two wars, but also because of the resulting Imperial German nation-state. Kitchen writes, “German nationalism underwent a dramatic change in 1871. Where nationalism had once

⁴¹ Martin Kitchen, *A History of Modern Germany* (Malden: Blackwell Publishing, 2006): 110.

⁴² *Ibid.*, 113.

⁴³ *Ibid.*, 118.

⁴⁴ *Ibid.*, 120–121.

⁴⁵ Jonathan Sperber, *The Kaiser's voters: Electors and elections in Imperial Germany* (New York: Cambridge University Press, 1997): 161.

⁴⁶ *Ibid.*, 158.

⁴⁷ Kitchen, *A History of Modern Germany*, 144.

been a progressive force aimed at sweeping away the old regime and furthering the cause of constitutional liberties, it was now conservative and bent on maintaining the status quo in a militarized Prussian Germany.”⁴⁸

The inevitable conflict came about in Prussia, where the plans for unification were hatched and executed. There, as elsewhere throughout Germany, the essential qualification for voting was citizenship. In Prussia’s case this meant a considerable number of ethnic Poles could vote. This would not have been a problem except for three important factors. The first is that Bismarck and Prussian authorities pursued policies that alienated the ethnically Polish German citizens as part of the *Kulturkampf* in the 1870s.⁴⁹ These citizens had progressed somewhat towards cultural assimilation in terms of language, but laws passed under the rubric of *Polenpolitik* to further this process along caused understandable nationalistic backlash from ethnic Poles.⁵⁰ The second came when Germany needed to import additional labor to support economic growth, and it turned eastward for Polish workers. Initially, the method to control the potential political influence of these Poles was to require that they return during the *Karenzzeit* period, effectively preventing the establishment of long-term residency. As the need for these workers spread beyond seasonal agricultural help, the only way to guarantee that these people would not be able to join the Polish voting block in a given electoral district was to restrict their franchise. Because Bismarck had long before set the precedent for qualifications to vote as any male, 25 years of age, with certain standards of civic responsibility, but without respect to ethnicity, revisiting qualifications for voting was out of the question. This led to the third important factor to preserving Germanic influence in politics: eliminating any connection between residency and citizenship when drafting the citizenship law in 1913. This was another important precedent that would take on the weight of national identity during the twentieth century.

⁴⁸ Kitchen, *A History of Modern Germany*, 128.

⁴⁹ Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992): 129.

⁵⁰ *Ibid.*, 130–132.

C. CITIZENSHIP IN GERMANY

German citizenship has its foundations prior to the existence of modern Germany. Awakened by the French Revolution and Napoleon's armies, "the idea of the sovereign nation of the people began a triumphant advance across Europe. In Germany it encountered another idea and combined with it—the idea of the nation as a collective body sharing a common language and culture."⁵¹ Because the Germanic peoples were formerly spread throughout numerous principalities and states, they developed solidarity independent of the political borders. Despite political borders that separated Germanic peoples, there was a greater affinity between them as a people than with non-Germanic citizens within these different states, reflected in the pan-German movement to form a German nation-state.⁵² The combination of a multitude of political boundaries presented challenges for forming a unified state, even with an ethnically and linguistically related people. Germans were spread across different states, but these states sometimes also included other ethnic groups. Rogers Brubaker sums up the dilemma of forming a German state:

The German ethnocultural conception of nationhood was a product of the distinctive political and cultural geography of central Europe. Yet a feature of the geography – the inextricable intermixture of Germans and other nationalities – made it impossible to found a German state precisely on ethnocultural nation (Conze 1983: 95; Lepsius 1985: 48). None of the proposed solutions to the problem of national unification – including the 'classical' Prussian-*kleindeutsch* and Austrian-*grossdeutsch* solutions – could bring into being a 'perfect' nation-state: either Germans would be excluded, or non-Germans included, or both.⁵³

The reference to *kleindeutsch* or *grossdeutsch* solutions refers to what physical form a German state would take. Prussia and Austria were the two most influential and powerful of the many German states and competed for leadership and advantage within the German Confederation of states. *Kleindeutsch* refers to a smaller German state,

⁵¹ Hagen Schulze, *States, Nations, and Nationalism: From the Middle Ages to the Present* (Malden: Blackwell Publishers, 1994): 156.

⁵² Rogers Brubaker, "Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis," *International Sociology* 4, no. 4 (December 1990): 393.

⁵³ *Ibid.*, 393.

excluding Austria because of its position within the Hapsburg Empire, covering present day Austria and all or part of the Czech Republic, Slovakia, Hungary, Romania, Poland, Ukraine, Serbia, Bosnia-Herzegovina, and Italy. *Grossdeutsch* referred to a German state solution including Austria. Even without the inclusion of Austria, the *kleindeutsch* solution would necessarily include non-Germans, primarily via Prussia.

Because the Germanic peoples were spread throughout numerous principalities and states, they developed solidarity independent of political borders. Prussia provides an example of this sense of Germanic solidarity independent of a particular state. Eastern Prussia contained non-Germanic peoples that were also citizens. The differences in language, as with the Poles, or heritage in the case of the Jews, led the Prussian Germans to coalesce into a shared sense of Germanic identity. The sense of what it meant to be German necessarily excluded Jews and Poles. Despite political borders separating Germanic peoples, pan-German kinship bonded them as a people to the exclusion of non-Germanic citizens within these different states. With the eventual consolidation of a German state under Bismarck, and the rise of even greater nationalistic forces in Germany, it “required the civic exclusion rather than the civic incorporation” of other groups in order to strengthen the sense of nationalism.⁵⁴ Grete Brochman explains the role of the nation-state in this phenomenon:

The ultimate control of the innermost gate in relation to “aliens” is represented by the institution of citizenship. Every modern state delineates its citizenry by establishing who belongs and who does not. Through this dual inclusion/exclusion exercise, the members of the state are identified, and their rights and duties sorted out accordingly. The modern state secures legal equality for its members, which means equal access to the benefits of state, and equal political, civil, and social rights. Citizenship is, however, not a pure reflection of rights attached to residency. It provides, when achieved, a persisting personal status, independent of temporary or prolonged absence. The modern state thus serves as an enduring “membership organization.”⁵⁵

⁵⁴ Brubaker, “Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis,” 397.

⁵⁵ Grete Brochman, *European Integration and Immigration from Third Countries*, 16–17.

Brubaker identifies the causal linkage in Germany thus: "Because national feeling developed before the nation-state, the German idea of the nation was not originally, a political one, nor was it linked with the abstract idea of citizenship."⁵⁶ Separating citizenship conceptually from the German identity provides an important foundation for understanding the nature of legally defined citizenship. Brubaker completes the logical arguments thus:

This was the age of nationalism, and defining the citizenry as a community of descent, following the principle of *jus sanguinis*, was self-evidently preferable to defining the citizenry as a territorial community, following the principle of *jus soli*. *Jus soli* was rejected as a feudal principle that based membership on ties to the soil, *jus sanguini* preferred as a specifically national principle, which would found the nation on ties of kinship that were more substantial and more enduring than the superficial and external ties of common birth-place.⁵⁷

The explanation that German citizenship used *jus sanguini* as the guiding principle for citizenship when the law was first formulated in 1870 is not all that revolutionary, similar arguments were made in France during the same period, due to a combination of heightened immigration and growing nationalism, but the complete absence of any sense of *jus soli* is unusual.⁵⁸ Brubaker adds:

There was no debate about whether the basic principle of *jus sanguinis* ought to be supplemented by elements of *jus soli*. That the question did not even arise is not surprising. In 1871 there were only about 200,000 foreigners in Germany out of a total population of 40 million, and there was no reason to expect substantial immigration in the future. . . The demographic vigor of the country – in the 1870s births exceeded deaths by about half a million per year – obviated the need for immigration. . . There was thus no reason to consider introducing elements of *jus soli* to complement the basic principle of *jus sanguinis*.⁵⁹

⁵⁶ Brubaker, "Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis," 386.

⁵⁷ Ibid., 396.

⁵⁸ Ibid.

⁵⁹ Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992): 124.

In practice, this allowed the exclusion of *Karenzzeit* Poles temporarily residing in eastern Prussia, even as their temporary status grew into long-term residency, and this despite the fact that there were ethnically Polish citizens in Prussia since before the establishment of Imperial Germany.⁶⁰ This is also consistent with the increased expression of nationalism present amongst Germans as they formed a German nation-state.

The debate leading up to the citizenship law of 1913 reinforces the increased exclusivity of the concept of German citizenship to ethnic Germans. This debate also occurs at the same time that Germany transitions from strong forces of German emigration, to strong non-German immigration. “Alone among European states, Germany had both a substantial immigrant population (roughly three and a half million) and a substantial emigrant population”⁶¹ The combination of a large German diaspora and increased immigration led to movement to strengthen the tie between the German *Volk* and citizenship. This included changes to the citizenship law that allowed emigrated Germans to retain their citizenship, and in a specific reinforcement of the principle of *jus sanguinis*, to pass on German citizenship to their children born outside Germany.⁶² Furthermore, the principle of blood relation for citizenship was so completely inculcated that even the question of what to do with orphans whose parentage could not be readily determined was decided by establishing the legal presumption that such children were presumed to be “the child of a citizen of that state.”⁶³ Despite many attempts by the Social Democrats, no allowance in the slightest was made for *jus soli*. This included not only the presumption provided for orphans with unknown parentage, but also a rejection of even provisional citizenship for the second or third generation of immigrants born in Germany.⁶⁴

⁶⁰ Esser and Korte, "Federal Republic of Germany," 166. Brubaker, *Citizenship and Nationhood in France and Germany*, 131–132.

⁶¹ Ibid., 118.

⁶² Ibid., 115–118.

⁶³ Ibid., 122.

⁶⁴ Ibid., 120.

Brubaker asserts that, “The vehement repudiation of every trace of *jus soli* reflected the lack of elite confidence in the social, cultural, and political transformation of immigrants into Germans.”⁶⁵ It also reflects an exclusionary conception of what it means to be German, and that concept is tied directly to the extension of citizenship. This is important because it provides the necessary legal foundation for German citizenship to become exclusive to ethnic Germans once the Nazis completed their ethnic cleansing of Germany from Poles and Jews. Obviously there was legal precedence for citizenship of ethnic non-Germans, but once these had been removed during the course of Nazi racial policies there was little to prevent the postwar government from using the *jus sanguini* standard to reassert the foundation for the Federal Republic’s citizenship law. Brubaker provides a clear summation of the conflict between geography and ethnicity and the endorsement of *jus sanguini* by the postwar German government:

While Germany would look to expand the ranks of German citizens in the postwar period, the 1953 Law on Expelled Persons and Refugees reinforced the *jus sanguini* definition of German *Volk*, using the criteria of “descent, speech, upbringing, and culture” to effectively extend rights of German citizenship to Germanic peoples outside of the Federal Republic.⁶⁶ Even during the labor shortages in the postwar period, the question of naturalization for non-Germanic peoples brought in as laborers was unfathomable, providing no provision for automatic citizenship for even second or third generation children of non-Germans.⁶⁷

The contemporary German concept of citizenship is still “*Volk*-centered and differentialist.”⁶⁸ The *Volk*-centered definition flows directly from the historical development already outlined. Furthermore, differentialist refers to an inherent acknowledgment that different groups are and will remain different. It is a conceptual extension of the exclusive nature of what it means to be German, that is, the German identity that existed before and independent of the German state. Little thought is given to assimilation and none towards integration because the first reflects the implicit lack of

⁶⁵ Brubaker, "Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis," 398.

⁶⁶ Ibid., 400.

⁶⁷ Ibid., 386–387, 396.

⁶⁸ Rogers Brubaker, "Civic and Ethnic Nations in France and Germany," in *Ethnicity*, 168-173 (New York: Oxford University Press, 1996): 169.

confidence to become German already named, and the second would defy the very essence of what makes them different groups. Differentialist policy in Germany is the marriage of the cultural conceptions of what it means to be German with a legal codification of that understanding. The clearest manifestations of this line of thinking were on display during the late nineteenth and early twentieth century as the debate raged over changes to the citizenship law first established by Bismarck in 1870. Brubaker writes: “It was this hard nationality struggle—this standoff between mobilized and opposed nationalisms—that formed the backdrop to the revision of the citizenship law, especially to the debates about *jus soli* and naturalization policy.”⁶⁹ Once the Imperial German government modified the citizenship law exclusively on the basis of *jus sanguinis*, it set an important legal precedent affecting all future prospects of gaining the franchise by immigrants. Writing in 1992, Brubaker expresses just how out of place the emphasis on *jus sanguinis* had become:

German citizenship today remains governed by a law of the Wilhelmine period. As a result of this continuity across two World Wars, three regime changes, and the division and reunification of the country, the marked restrictiveness of citizenship law toward non-German immigrants was carried over from Wilhelmine Germany into the Federal Republic and, in 1990, into the new German nation-state. The 1913 system of pure *jus sanguinis*, with no trace of *jus soli*, continues to determine the citizenship status of immigrants and their descendents today. In recent years, as a substantial second-generation immigrant population – and now the beginnings of a third generation – has developed, the system of pure *jus sanguinis* has become increasingly anomalous.⁷⁰

Volk-centered thinking thus produced two important conceptual and legal precedents that remain largely intact today. The first was the extension of universal suffrage only to citizens in order to exclude and limit the voice of foreign labor that was temporarily or permanently residing in Germany. The second was the establishment of citizenship law exclusively on the basis of ethnic blood relations, or *jus sanguini*. These two foundations of voting eligibility remain very much in force today and provide a contextual foundation for the differentialist policies of Germany today.

⁶⁹ Brubaker, *Citizenship and Nationhood in France and Germany*, 132.

⁷⁰ *Ibid.*, 165.

Rogers Brubaker describes the German differentialist attitude towards citizenship and full legal integration into Germany thus: “To take on German citizenship, in the self-understanding of Germans and Turks alike, requires that one become German in some thicker, richer sense than merely acquiring a new passport.”⁷¹ This understanding drives policy formulation, especially with regards to the extension of citizenship. To this end, German law has provided a path to citizenship for immigrants, albeit with very high standards for obtaining citizenship and voting rights. Prior to the Immigration Act of 2005, immigrants became eligible for “discretionary naturalization” after ten years of residence and could then apply for citizenship after fifteen years. Applicants also faced the necessity of renouncing any previous citizenship.⁷² Despite the fact that these guidelines are significant obstacles for immigrants, in clear opposition to the volume and scope of postwar immigration and the extensive long-term settlement of guest workers, they have nevertheless “taken on the inertial weight and normative dignity of tradition.”⁷³ This is not surprising when compared with the policies towards Poles dating back to the late nineteenth and early twentieth centuries. In fact, providing a legal conduit to acquire citizenship at all is a significant step forward when one considers the abject rejection of any such stipulations when the citizenship law of 1913 was put in place. The barriers for non-German immigrants become all the more egregious when compared to “Ethnic German immigrants (*Aussidler*) [that] could claim citizenship upon arrival in Germany.”⁷⁴ The larger historical context shows that this prejudice towards ethnic Germans, and an emphasis on assimilation-oriented behavior is not new. The 1908 *Reichsvereinsgesetz*, directed against the growing influence of Polish workers in the Ruhr district, mandated German as the official language of all organizations.⁷⁵ This is significant because in this particular case, these Poles were already citizens, and they

⁷¹ Brubaker, *Citizenship and Nationhood in France and Germany*, 178.

⁷² Sainsbury, "Immigrants' social rights in comparative perspective: welfare regimes, forms in immigration and immigration policy regimes," 234.

⁷³ Rogers Brubaker, "Civic and Ethnic Nations in France and Germany," in *Ethnicity*, 171.

⁷⁴ Sainsbury, "Immigrants' social rights in comparative perspective: welfare regimes, forms in immigration and immigration policy regimes," 234. Brubaker, *Citizenship and Nationhood in France and Germany*, 165.

⁷⁵ Esser and Korte, "Federal Republic of Germany," 167.

constituted as much as one third of the labor force in the Ruhr district.⁷⁶ It is not surprising, however, as Bismarck's *Kulturkampf* was also directed against the influence of Poles who were already citizens in Prussia and Germany.

The 2005 act relaxed some requirements for naturalization, and introduced limited application of *jus soli*.⁷⁷ The act reduced the legal residency requirements to eight years, seven if a person has completed integration courses. The requirement for legal residency is not the only requirement, and other criteria exist that could either be viewed as indoctrination or integration measures for immigrants. Viewed with a perspective of the foundations of the concept of the German *Volk* and the establishment of the citizenship law, these requirements are consistent with an approach that seeks to perpetuate the exclusive German *Volk*. Proficiency in German, a citizenship test, a statement of allegiance, and the renouncement of citizenship from any other countries all fall in line with reinforcing and becoming part of the German people in order to become a German citizen. Other requirements are more purely pragmatic, such as a source of income independent of unemployment or welfare benefits. The question of discretionary naturalization, along with administration of the integration classes, and language proficiency, all rest with the immigration authority in each *Land* within Germany, allowing "broad discretionary powers in applying the regulations passed on the Federal level."⁷⁸ The most significant allowance in the law for ethnic non-German immigrants is for those married to German citizens or in a civil partnership. These immigrants are eligible for citizenship after three years of residency, of which two must be while married or in a registered partnership.⁷⁹ The nature of these requirements, especially the emphasis on learning German and understanding civic responsibility all harken back to the rigid application of *jus sanguini*, requiring immigrants to join the German family as it were, in order to become citizens and be able to exercise voting rights. The net effect is

⁷⁶ Esser and Korte, "Federal Republic of Germany," 167.

⁷⁷ Cyrus and Vogel, "Germany," in *European Immigration: A Sourcebook*, 129.

⁷⁸ Esser and Korte, "Federal Republic of Germany," 175–176.

⁷⁹ Federal Ministry of the Interior, *Becoming a German citizen by Naturalization*, February 2008, http://www.en.bmi.bund.de/cln_028/nn_174390/sid_C95BB81A0C389EB7FC4BBFAB4D7AE59B/Internet/Content/Themen/Staatsangehoerigkeit/Einzelseiten/Erwerb_der_deutschen_Staatsbuergerschaft_durch_Eingbuergierung_en.html (accessed March 10, 2009).

that several other immigrant-receiving nations dwarf rates of naturalization for immigrants to Germany. "Taking Germany as a base, foreign residents naturalize at a rate four times higher in France, ten times higher in the United States, fifteen times higher in Sweden, and over twenty times higher in Canada."⁸⁰

In conclusion, Germany extends rights of citizenship and voting based on membership in the German *Volk*, expressed in language, culture, and most of all, ethnic heritage. German history established the *Volk* sense during the rise of nationalism and codified the legal definition for citizenship on this basis in the early twentieth century. Both legal standards for eligibility for citizenship and voting reflect the explicit desire to extend the dual privileges of citizenship and enfranchisement to Germans exclusively, forcing immigrants to become as German as possible, through language and residency requirements before receiving citizenship. Becoming German is a fulfillment of the *jus sanguinis* principle to define citizenship, and perhaps because of the involved process and exclusive mindset Germans have towards extending the mantle of citizen, the rate at which people receive German citizenship is very low compared to other western countries.

⁸⁰ Brubaker, "Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis," 384.

III. SWEDEN

A. SUFFRAGE IN SWEDEN

The Swedish approach towards immigration and integration has been a natural outgrowth of other egalitarian social policies within the state. There is a strong emphasis on multicultural acceptance, accommodation, and the extension of rights to minorities. As will be explained later, this includes a degree of voting rights for non-citizens residents, and relatively easy requirements for citizenship. The extension of voting rights not tied purely to citizenship is in stark contrast to the approach in Germany. In contrast to Germany, where voting is based on citizenship and citizenship uses *jus sanguinis* for its foundation, Sweden bases both citizenship and voting rights on the principle of *jus domicili*. Because Sweden uses *jus domicili*, it extended citizenship on the basis of residency and progressed to add voting rights based on residency as well. The foundations for this approach lie mostly in the political alignments that formed the majority governments in the twentieth century, but the formative process for Swedish democracy in the nineteenth century also plays an important part in establishing the progressive direction for these parties, and in influencing important legal precedents to protect and extend rights to non-Swedish residents.

The genesis of Swedish democracy and political parties comes about with the establishment of the constitution of 1809 and the reforms on the parliamentary system later in the century. Sweden began the nineteenth century ruled by a monarch beholden to no one, and Swedish society still followed the four estates model of organization: “nobility, clergy, burghers, and peasants.”⁸¹ In early 1809, King Gustav IV Adolf was forced from power through a coup. The intrigue that followed lasted several months and representatives of the four estates drafted a constitution before accepting a new king.⁸² While the *Riksdag* (parliament) was given some power, the king still had the power to choose ministers, independent of parliament. This blunted the electoral successes of any

⁸¹ Lars I. Andersson, "How Did They Become Voters: Sweden After 1866," in *How Did They Become Voters? The History of Franchise in Modern European Representation*, ed. Raffaele Romanelli, 341–372 (Boston: Kluwer Law International, 1998): 342.

⁸² *Ibid.*

opposition party, as the king was not compelled in his selection of ministers in any way. Despite the continued power of the king, reformers focused on the electoral process for the *Riksdag*, claiming, “that the Constitution mirrored legal distinctions that were not applicable to modern society; and the partial inclusion of new groups could not remedy such fundamental errors.”⁸³

The principal consideration during the ensuing reform debates centered on the single largest group in Sweden, the yeoman farmers. Introduction of individual voting rights could lead to the yeoman farmers dominating the *Riksdag*.⁸⁴ Reformers and conservatives considered the bicameral models of the United States, Britain, and Norway to mitigate against the potential parliamentary dominance of the fourth estate. The next measurable step towards self-government occurred in 1859, when the estates approved elections for county councils. Ironically, it had been the fourth estate that had previously blocked such a reform due to opposition to new taxes as a qualification to vote.⁸⁵ Acting on a committee recommendation for a bicameral legislative body from 1848, the *Riksdag* would eventually pass a reform bill in 1866.⁸⁶

The 1866 reform relied on a municipal law from 1862 to lay out qualifications to vote, with some changes. Andersson summarized the requirements to vote established by the municipal law:

- A. All Swedish subjects, men and women, who:
 - 1 were not by court deprived of their citizenship;
 - 2 resided in the municipality or were taxable there;
 - 3 were liable to pay taxes;
 - 4 had no tax debts, which were statute barred after 10 years.
- B. All Swedish limited companies fulfilling A) 2, 3 and 4.

Further limitations deprived the vote to persons or companies under public administration due to debt.⁸⁷

⁸³ Andersson, "How Did They Become Voters: Sweden After 1866," 342.

⁸⁴ Ibid., 343.

⁸⁵ Ibid.

⁸⁶ Ibid., 344.

⁸⁷ Ibid., 346.

In addition to these basic requirements, voting did not follow a one-person one-vote model. Instead it followed a model weighted by the wealth of each voter. Andersson gives the best explanation:

The number of votes per person varied according to taxable income for the municipal elections. . . For the towns the law stated that nobody could vote for more than 2 per cent of the total amount of votes, and that nobody could cast more than 100 votes in total. No such restrictions applied for rural areas. . . .⁸⁸

The linkage between taxation and voting provided a distinct advantage for all but the fourth estate. In addition to the economic influence, and thus political influence, wielded by the wealthy in their communities, the law codified their increased influence in the democratic process by allowing their vote to count more than persons that merely met the minimum qualifications to vote. Elections for the upper chamber relied on these guidelines without any modification. Obviously this provided a degree of protection for wealthy interests against the perceived threat of a populist political insurrection by the fourth estate. Despite the suspicion involved with extending the franchise, qualifications to cast a vote for the lower chamber did not meet what would be considered a particularly egalitarian standard compared to the typical standard today. Voting qualifications for the lower chamber departed from the municipal law in several ways:

- A. Only men could vote; women and companies were excluded.
- B. One of three qualifications had to be fulfilled,
 - 1 ownership or tenure of property with a value considerably higher than that for the municipal qualification;
 - 2 a minimum five-year lease of property above a certain value;
 - 3 estimated income twice as high as that set for the municipal vote.

⁸⁸ Andersson, "How Did They Become Voters: Sweden After 1866," 342.

C. The ballot had to be cast personally, which meant that voting by proxy was not allowed. The Municipal Law, on the other hand, stated that one vote could be cast by proxy.⁸⁹

Despite these reforms, electoral districts with more than one town could still opt for indirect election of their representative for the lower chamber. Late publication of the law meant that direct elections in 1866 were the exception, and it would be another decade before half of rural constituencies would use direct elections.⁹⁰ Even the adoption of direct elections for representatives to the lower chamber did not dramatically change the face of politics in Sweden. The reform law of 1866 meant in real terms that, “at the end of the nineteenth century only one-quarter of the men over 21 had the vote.”⁹¹

Political parties started to formally organize during the late nineteenth century, including the Socialists in 1889, and the Liberal party in 1900. Both of these parties campaigned for universal suffrage, but the socialists also represented the disenfranchised fourth estate in more than just a campaign to provide voting rights to all. Because the fourth estate included the poorest yeomen farmers, broadening suffrage held the promise of significant political power for the Socialist party. With the introduction of universal suffrage for men in 1909, along with a change to proportional representation for the *Riksdag*, this forced the king to finally begin appointing Liberals and Socialists to ministerial positions, and legitimate parliamentarianism developed.⁹² In 1921, universal suffrage extended the vote to women as well, and “the growing number of wage earners made it possible for the Socialists to become the largest party.”⁹³ The struggle to gain universal suffrage and the desire to extend the vote to women and the working classes framed the pattern for voting rights policy of the political left in Sweden. Greater extension of voting rights generally benefited the Socialists, and later the Social

⁸⁹ Andersson, "How Did They Become Voters: Sweden After 1866," 347.

⁹⁰ *Ibid.*, 353.

⁹¹ Nils Stjernquist, "Sweden: Stability or Deadlock?," in *Political Oppositions in Western Democracies*, ed. Robert A. Dahl, 116-146 (New Haven: Yale University Press, 1966): 120.

⁹² *Ibid.*, 120-121

⁹³ *Ibid.*, 121.

Democrats, because the disenfranchised were far more likely to come from the working poor, which aligned with the natural power base for the party.

The importance of the struggle for suffrage cannot be overstated. For both the Liberals and Socialists, the fight to extend voting rights to everyone marks an almost singular point of agreement between the two parties. The combined support of these parties and the institutionalized struggle to gain the vote profoundly influences the long-term consensus throughout Swedish society on the universal extension of rights, including rights for non-citizens. As the result of arbitrary deportations in 1914, including Jews that had lived in Sweden for several generations, a group of lawyers drew up and pushed the passage of, “guarantees for the rights of non-Swedish citizens.”⁹⁴ These guarantees placed the burden of proof on the government to justify the deportation of resident foreigners and extended rights of appeal to immigrants. Shortly after this period, the Liberals and Socialists ceased their partnership in politics as they worked at cross-purposes over the future organization of the Swedish economy. From 1932 onward, when the Social Democrats form their first majority government, the left is the defining influence in Swedish politics. This continued during the postwar period with the coalition partner the *Centerpartiet*, or Center Party.⁹⁵

The platform for the Social Democrats centered on workers rights and the extension of social justice throughout all levels of society. Because the struggles of the Social Democrats had been against the long-standing power of the first, second, and third estates in Sweden, a primary tenet for the party was the necessity of equality before the law and the extension of rights based on residence rather than on heritage, as had been the case prior to universal suffrage. This has a significant impact on the legal and political stance taken towards immigrants in general, and naturally leads to policy affecting conditions for suffrage and naturalization.

⁹⁴ Tomas Hammar, "Sweden," in *European Immigration Policy: A Comparative Study*, ed. Tomas Hammar, 17–49 (New York: Cambridge University Press, 1985): 21, 26.

⁹⁵ Stjernquist, "Sweden: Stability or Deadlock?," 116–117, 122. Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton: Princeton University Press, 1990): 30.

The major policy touchstone for immigrants was the establishment of a task force on immigration policy in 1965. The commission's mandate was, in part, to investigate and "to determine how foreign citizens could be placed on equal footing with Swedish citizens."⁹⁶ The results of the investigation were that in 1967, "immigration control was tightened and work permits were required prior to arrival in Sweden," under the rationale that "this was necessary to insure that immigrants achieve equal conditions."⁹⁷ The promised equality became a reality in 1968. Thomas Hammar recounts it thus:

This was a natural application of an ideology according to which society has a responsibility for all of its members and social inequalities should be eliminated. Thus immigrants should be accorded the same treatment as everyone else. In addition, organized labor has always demanded that foreign workers be offered the same employment conditions and wages as Swedish workers and should be organized in the same manner. Demands for equality have thus long existed in Swedish society⁹⁸

The overall subject of immigration will be addressed in the next section, but it is important to point out that in the 1950s and 1960s, a large majority of immigrants to Sweden were from other Nordic countries.⁹⁹ (Figure 2) This is important because of the shared historical and cultural ties between Sweden, Finland, Denmark, and Norway. The four countries had previously existed under a single crown, the Kalmar Union. The common heritage and language (except for Finland) provided a shared and common identity between these countries. Because of the shared identity, the pursuit of equal rights for immigrants, including suffrage, would be a natural extension of the congenial relations between the Nordic countries and an affirmation of their shared heritage.

The position of prominence that Sweden enjoyed in this relationship also makes the extension of rights easier. From the time of Swedish independence in 1523 until losing the Finnish war to Russia in 1809, Sweden ruled Finland. Similarly, Sweden assumed control of Norway, from Denmark in 1814. Such a history could easily provide

⁹⁶ Hammar, "Sweden," 33.

⁹⁷ Ibid., 34.

⁹⁸ Ibid.

⁹⁹ Miguel Benito, "Sweden," in *European Immigration: A Sourcebook*, ed. Anna Triandafyllidou and Ruby Gropas, 335-346. (Burlington: Ashgate, 2007): 337.

nationalist antagonism between Swedes and their Nordic neighbors. Two factors mitigate this outcome. First, Sweden was the more dominant political force relative to the other three nations. Having won Norway from Denmark and been the ruling partner in the relationship with both Norway and Finland. Second, in the postwar period, Sweden enjoyed the benefits of being the only Nordic country not directly involved in the Second World War. Denmark and Norway had each been occupied by Germany, and Finland had fought Russia during two different periods during the war.

Finally, because the development of political parties in the four countries, especially the Social Democrats, was virtually identical, they would stand to gain the most support from immigrants entering Sweden for employment. Especially because these workers would be little more than Social Democrats transplanted from the neighboring country.

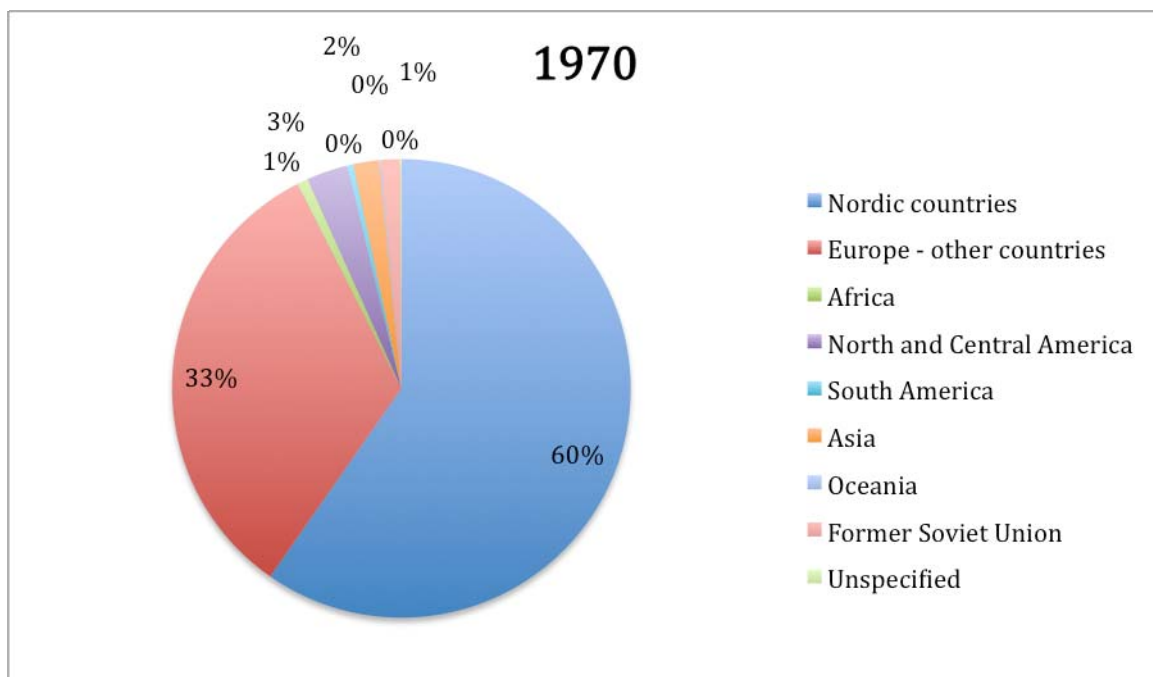


Figure 1. Region of origin for immigrants in Sweden 1970¹⁰⁰

The extension of voting rights to immigrants came in the constitutional reforms of 1975, taking effect with the elections of 1976. With these legal changes, any legal

¹⁰⁰ Benito, "Sweden," in *European Immigration: A Sourcebook*, 337.

resident, citizen or not, could vote and stand for office in local and regional elections (city and county), but voting in national elections remained the exclusive right of Swedish citizens. Even so, citizens of Nordic countries may become citizens after only two years of residency, persons officially classified as refugees may become citizens after four years of residency, and all other legal residents may apply for citizenship after five years of residency.¹⁰¹ The law instituted in 1976 also dropped knowledge of Swedish as a prerequisite for citizenship.¹⁰² Children born in Sweden, but not of Swedish parents, may be registered as citizens by their parents from birth.¹⁰³

The underlying lesson of these reforms is that the salient characteristic for understanding the Swedish approach to voting rights is that the “underlying principle has been rights based on residence or domicile (*jus domicilli*) rather than rights based on land of birth (*jus soli*)”¹⁰⁴ Consequently, official residency allows immigrants many of the same rights as citizens, including the right to vote and stand for office in local elections after only three years of residency, and voting privileges for national elections are extended with citizenship.¹⁰⁵ Furthermore, the residency requirement to become a citizen varies to some degree, but is no more than five years at most, and there is no requirement to renounce any previous citizenship, allowing dual citizenship for immigrants that do not wish to renounce their previous citizenship.¹⁰⁶ It follows then as no surprise that Sweden has one of the highest rates of naturalization in the world. “. . . only about a quarter of all persons with immigrant background are foreign citizens, the rest hold Swedish or dual citizenship.”¹⁰⁷

¹⁰¹ Hammar, "Sweden," 30. Benito, "Sweden," in *European Immigration: A Sourcebook*, 341.

¹⁰² *Ibid.*, 341.

¹⁰³ *Ibid.*, 339.

¹⁰⁴ Diane Sainsbury, "Immigrants' social rights in comparative perspective: welfare regimes, forms in immigration and immigration policy regimes," *Journal of European Social Policy* (Sage Publications), 2006: 237. Hammar, "Sweden," 30.

¹⁰⁵ Sainsbury, "Immigrants' social rights in comparative perspective: welfare regimes, forms in immigration and immigration policy regimes," 237.

¹⁰⁶ *Ibid.*

¹⁰⁷ Carl-Ulrik Schierup, Peo Hansen and Stephen Castles, *Migration, Citizenship, and the European Welfare State* (New York: Oxford University Press, 2006), 195.

Despite all the work to provide legal protections for immigrants, ease the requirements to become citizens, and provide voting rights to legal residents after only three years, immigrants vote at progressively lower rates than Swedish citizens. In the first elections where non-citizen residents could legally vote in 1976, about 60% of eligible foreign citizens did so, compared to over 90% of Swedish citizens.¹⁰⁸ The level of participation over the next ten years declined to only 48% amongst foreign citizens whilst 88% of Swedes continued to vote.¹⁰⁹ (See Figure 2) The downward trend has since continued, and only 38% of eligible foreign citizens voted in 2002.¹¹⁰

Election year	Number of foreigners entitled to vote	Turnout among	
		foreigners	Swedes
1976	219,000	59.9%	90.5%
1979	228,000	53.4%	89.0%
1980*	209,000	53.4%	75.6%
1982	242,000	52.2%	89.6%
1985	244,000	48.1%	88.0%
* A national referendum on Swedish nuclear power in which - by a special decision of the Riksdag - foreign citizens were allowed to vote if entitled to vote in local elections.			

Figure 2. Foreign citizens entitled to vote and turnout in local elections 1976–1985¹¹¹

The exact reasons for the decline in immigrant voting participation are unknown.

Benito writes:

There are some studies carried out by Universities of Stockholm and Gothenburg as well as by the Integration Board and the former Immigration Board, but they cannot explain why immigrants vote in local elections less than Swedish citizens. The only reason appearing in all the reports is that immigrants, as long as they do not become Swedish citizens, do not feel concerned with Swedish society to the extent that they want to participate politically.¹¹²

¹⁰⁸ Tomas Hammar, *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration* (Brookfield: Ashgate Publishing Limited, 1990): 156.

¹⁰⁹ Ibid.

¹¹⁰ Benito, "Sweden," 341.

¹¹¹ Hammar, *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration*, 156.

¹¹² Benito, "Sweden," 341.

Concluding with a brief comparison with the German example, Swedish history shows a historical struggle and trend to proactively extend voting rights as broadly as possible, whereas the German example shows explicit attempts in the early years of German democracy to limit citizenship and the franchise to ethnic Germans via *jus sanguinis*. The general pursuit of inclusion based on *jus domicili* includes bifurcating suffrage from citizenship to allow some voting rights for non-citizen residents. Furthermore, immigrants to Sweden can apply for citizenship five years earlier than immigrants to Germany. Consistent with the inclusive nature of *jus domicili*, Sweden uses a relatively short residency period as the primary condition for obtaining citizenship and full suffrage. Indeed, in the not too distant past, immigrants to Sweden could become full citizens a full decade faster than immigrants to Germany, and without the dilemma of renouncing any previous citizenship.

B. SWEDISH IMMIGRATION HISTORY

Like Germany, Sweden had generally established itself as a source of emigrants and not a destination for immigrants. High birth rates, a lack of war, and years of successful agriculture fueled a population boom in the early nineteenth century.¹¹³ By mid-century, however, the rural population could no longer support itself on the available land, and crop failures and famine coupled with religious intolerance by the state church and the marginalized rights of the fourth estate, embodied by the so-called servant laws, triggered and sustained a steady flow of emigration.¹¹⁴ The great emigration would push nearly one in five Swedes to emigrate during its eighty years, totaling over 1.2 million.¹¹⁵ This pattern of emigration coupled with Sweden's location on the northern periphery of

¹¹³ Svenska Statistiska Centralbyrån, "Tabell-Kommissionens Underdåniga Berättelse för åren 1851 med 1855," *Statistiska Centralbyrån*, 12 1, 2008, http://www.scb.se/Pages/List____257387.aspx (accessed Decemer 14, 2009): 16.

¹¹⁴ Ulf Beijbom, *A Review of Swedish Emigration to America*, Växjö, Sverige The House of Emigrants, 1996, <http://www.americanwest.com/swedemigr/pages/emigra.htm> (accessed December 14, 2009). Ralf Stelander, *The Swedish Emigration to America*, Svenska Emigrantinsitutet [The Swedish Emigrant Institute], <http://www.utvandarnashus.se/eng/> (accessed December 14, 2009).

¹¹⁵ Ulf Beijbom, *A Review of Swedish Emigration to America*. Svenska Statistiska Centralbyrån, "Statistiska Centralbyråns Underdåniga Berättelse för år 1901," *Statistiska Centralbyrån [Statiscs Sweden]*, 12 01, 2008, http://www.scb.se/Pages/List____257387.aspx (accessed December 14, 2009). Hammar, "Sweden," 17. Benito, "Sweden," 335.

Europe and the lack of economic opportunities to attract émigrés from other lands, as Sweden's own emigration underscored, reinforced the perception that Sweden did not typically experience immigration. Miguel Benito gives a snapshot of how that has changed:

The immigrant population in Sweden was 790,445 in 1990, or 9.2 percent of the total population. At the end of 2004 the number of immigrants increased to 1,100,262 persons, of 12.2 percent of the total population. Moreover, about 800,000 persons born in Sweden are children of parents from another country of origin. Together with their children they represent 21 percent of the population today.¹¹⁶

Like Germany, the size of the immigrant population, or children of immigrants, is significant within the overall population, representing twenty percent of residents in Sweden 2004, compared with about thirty percent of residents in Germany in 2005.¹¹⁷ Given the tendency demonstrated by Germany to naturally exclude immigrants from voting, even in local elections during the entire period that it takes to obtain citizenship, why would Swedish law provide some voting rights to immigrants after only three years? Part of the answer may be legal precedents set in the transformative years of Swedish government as universal franchise became the standard, and part of the answer may be due to the character of early immigration to Sweden.

The transition period of the early twentieth century saw important legal precedents set in Sweden on behalf of immigrant rights at the same time that the egalitarian pursuit of universal suffrage was at the forefront of the national political debate. The flurry of protest and legal response that surrounded the high profile deportations of Jews as a result of the *Utvisningslagen*, or Deportation Act, set important precedents for immigrant rights. In response to the guarantee of rights for non-Swedish citizens, the government modified regulations regarding residence in 1918. The government, with strong influence from the state church, sought to retain control over who could live and work within Sweden despite the fallout of the infamous expulsion of long-standing Jewish residents. Hammar writes that the new ordinance provided,

¹¹⁶ Benito, "Sweden," 335.

¹¹⁷ Ibid. Cyrus and Vogel, "Germany," in *European Immigration: A Sourcebook I*, 127.

that a non-Swedish citizen wishing to reside in Sweden had to obtain a residence permit. Lack of a residence permit was made grounds for expulsion. Since the issuance of residence and work permits became the province of an administrative body, and since it could arbitrarily reject applications for permits, thereby forcing the expulsion of a foreign citizen, [the previous] legal guarantees were clearly somewhat compromised.¹¹⁸

The resident Jews are a unique example of non-Swedish immigrants at that time. Along with some Calvinist Walloons, they were invited to settle in Sweden based on their essential skills and knowledge, but were denied citizenship because of the influence of the state church. Hammar points out that, “no other subjects of the king were permitted during this period to believe in, and absolutely not to openly confess any other than the evangelical Lutheran religion, for this would threaten the core interests of the state . . . Membership of the state was not yet based primarily on ethnicity, origin, or language, but more on religion.”¹¹⁹

Because the state church represented the old authority of the state, it is not surprising that both the Liberals and Socialists fought to break the influence of the church over government policy and provide legal protections for these “immigrants.” As mentioned, the government modified residency rules to allow the refusal of residency applications as a means of expelling immigrants, “But no government has applied the law in this way since it was first passed”¹²⁰ Aside from the immigrants just named, the dominant nature of immigration in Sweden as it developed during the interwar and postwar period was that it was chiefly fueled by immigration from other Nordic countries. The principle source of immigration has been other Scandinavian countries, especially after Sweden entered a unified Nordic labor market with Denmark, Norway, and Finland in 1954.¹²¹ Allowing the flow of persons within this region is not unusual considering historical ties that united Sweden under a single government with one or more of these countries during Sweden’s history. The heavy influence of Nordic

¹¹⁸ Hammar, “Sweden,” 26–27.

¹¹⁹ Hammar, *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration*, 50.

¹²⁰ Hammar, “Sweden,” 28.

¹²¹ Hammar, “Sweden,” 18. Benito, “Sweden,” 335–336.

immigrants on the overall character of immigration contributed to the ease with which Sweden actively sought and adopted legal protections for immigrants. There have not been any studies or academic conclusions to make this specific connection. Two excerpts from Tomas Hammar's writing on Swedish immigration history and issues leave considerable room for this conclusion. The combination of very little experience Swedes have traditionally had with immigrants and the dominance of Nordic, and especially Finnish immigrants within the overall immigration picture for Sweden during the postwar period, certainly provided a much more receptive environment for legislation to institutionalize the principle that, "all members of society are entitled to equal treatment, and this includes immigrants as well."¹²² Hammar concludes that, "immigration policy is strongly affected by this ideology and, . . . it aims at ensuring that immigrants live and work as equals with Swedish citizens"¹²³

The Swedish government acknowledged the change from a country of emigration to a country of immigration in the postwar period, establishing a task force in 1965 specifically dedicated to immigrant policy.¹²⁴ Amongst the proposals and recommendations from the task force, "an investigation was begun to determine how foreign citizens could be placed on an equal footing with Swedish citizens."¹²⁵ The problem at the time was not that Sweden was without an immigration policy; different legal measures and bureaucracy had existed for some time. The profound shift for Sweden in 1965 was that official policy abandoned, "the idea that immigrants would eventually be assimilated into Swedish society."¹²⁶ Under the previous assimilationist mindset, "there were no special programs for immigrants, for it was thought that access to the Swedish social welfare that developed in the postwar years was sufficient. The basis for this social welfare policy was a program worked out by the Social Democratic Party before the war was even over."¹²⁷

¹²² Hammar, "Sweden," 25.

¹²³ Ibid.

¹²⁴ Ibid., 32.

¹²⁵ Ibid., 33.

¹²⁶ Ibid.

¹²⁷ Hammar, "Sweden," 33.

The work of the task force continued, and by 1975, parliament passed a non-binding resolution to declare the government's intent with respect to Swedish immigrant and minority policy. The resolution centered on the principles of equality, freedom of choice, and partnership.¹²⁸ Hammar explained the goals thus:

The goal of *equality* implies the continued efforts to give immigrants the same living standard as the rest of the population. The goal of *freedom of choice* implies that public initiatives are to be taken to assure members of ethnic and linguistic minorities domiciled in Sweden a genuine choice between retaining and developing their cultural identity and assuming a Swedish cultural identity. The goal of *partnership* implies that the different immigrant and minority groups on the one hand and the native population on the other both benefit from working together.¹²⁹

Obviously, the goals and policies to accommodate immigrants and work with them through partnership is a departure from the differentialist approach in Germany. This policy approach remained in place until 1997 when a new policy was formally approved, centering on equal rights, responsibilities, and opportunities.¹³⁰ What is even more interesting than the generous approach towards immigrants expressed here is that during the same time period that these recommendations were made, Sweden actually tightened immigration control in 1967–68 by requiring work permits before an immigrant could travel to Sweden.¹³¹ “The Swedish Immigration Board was created in 1969 and, since 1970, the majority of immigrants to Sweden have been refugees. In the 1990s and 2000s the biggest refugee groups have come from Bosnia, Somalia, Iraq and Iran.”¹³²

In response to the increasing influence of immigrants in Sweden, 1991 saw the emergence of a new political party, *Nydemokrati*, or New Democracy, which ran on a

¹²⁸ Hammar, “Sweden,” 33.

¹²⁹ Ibid.

¹³⁰ Benito, “Sweden,” 336.

¹³¹ Ibid. Hammar, “Sweden,” 41.

¹³² Benito, “Sweden,” 336.

platform of fiscal conservatism and anti-immigration sentiment. The party managed to win seats in the 1991 elections, but did not gain sufficient votes to return to the *Riksdag* in 1994 or since.¹³³

In summary, Sweden's short history of large-scale immigration has demonstrated a very open legal and cultural acceptance of immigrants. Some of the institutional basis for this may have solidified because it chiefly concerned other Nordic peoples as immigrants in the early years and because the Social Democratic party was anxious to welcome workers that would strengthen its ranks. By the time immigration flows for labor had largely subsided by the early 1970s, humanitarian acceptance of refugees continued to bring significant numbers of people into Sweden of increasingly non-European and non-Nordic backgrounds.¹³⁴ (See Figure 2) Finally, despite the appearance of *Nydemokrati* in the early 1990s, there does not appear to be any movement afoot that would undermine the secure legal and cultural foundation for continued acceptance of immigrants to Sweden. Research into the attitudes towards immigrants in different European countries revealed that despite high levels of immigration and contact with immigrants, "Sweden has the most open attitude towards hosting immigrants, whatever their circumstances may be. . . ."¹³⁵

¹³³ Sveriges Riksdag [Swedish Parliament], *Partierna i riksdagen*, September 12, 2008, http://www.riksdagen.se/templates/R_Page_____1094.aspx (accessed December 14, 2009). Benito, "Sweden," 336.

¹³⁴ Benito, "Sweden," 337.

¹³⁵ Enric Martinez-Herrera and Djaouida Moualhi, *Public Opinion and Immigration Policies in five EU Countries: Accounting for (In)Consistency between Immigrants Selection and Integration Policies and Citizens' Attitudes*, Workshop report (Uppsala: European Consortium for Political Research, 2004): 219.

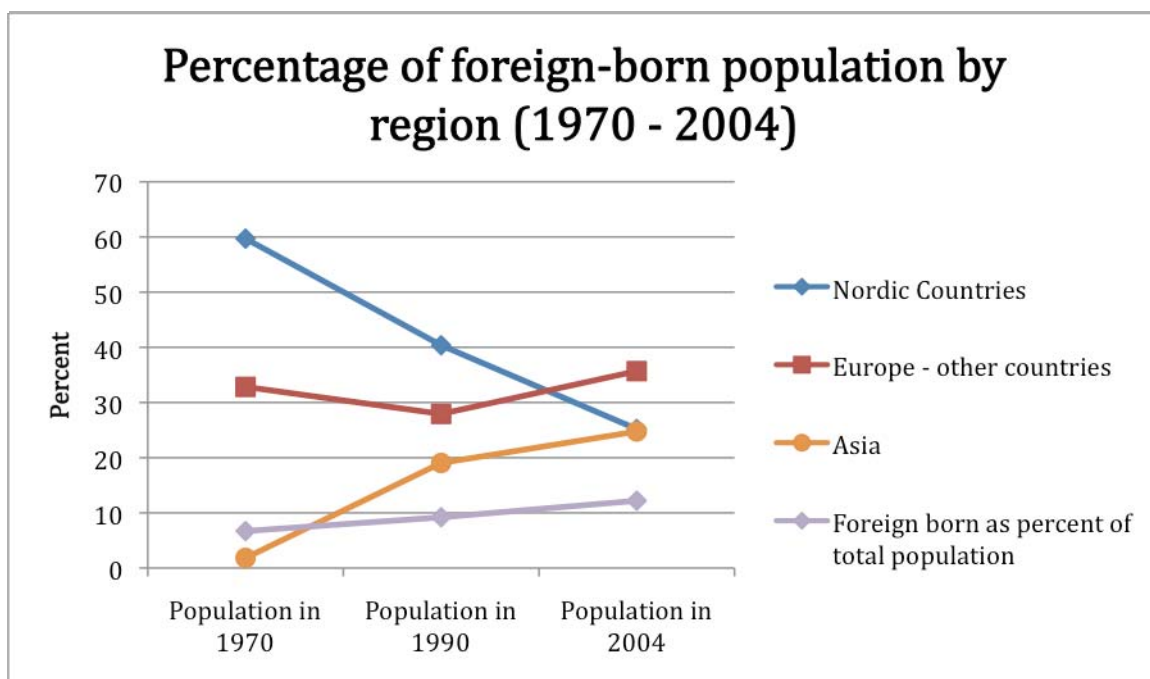


Figure 3. Foreign-born population by region of origin (1970–2004)¹³⁶

¹³⁶ Benito, “Sweden,” 337.

IV. CONCLUSIONS AND ADDITIONAL QUESTIONS

A. CONCLUSIONS

1. Each Country Is Unique

The principal purpose at the outset of this investigation was to trace the foundations for current voting and citizenship law in Germany and Sweden back to events and politics that shaped its character for each country. The temptation when comparing the two countries is to try and determine what the salient differences were in democratic development for each country in order to attribute differences now to their root causes. This search for the independent variable that drives the dependent variable would, however, miss the proverbial forest while searching out a particular tree. The differences between Germany and Sweden today are a reflection of the amalgamation of sociopolitical and cultural development of the two countries over more than a century of history and are every bit as varied and complex as the DNA for a living organism, but not nearly as ordered. To be sure, however, there are important similarities, but the differences are much more important in defining the democratic and immigrant character of each country. The same is likely true for each of the remaining twenty-five countries within the European Union and their varied outcomes relative to the process of immigrant enfranchisement.

The general directional vector of democratic development in both countries influenced the legal precedents and national identity surrounding voting. Germany saw a general expansion of suffrage in the late nineteenth century, culminating in the extension of voting rights to women near the end of the First World War. Likewise, Sweden experienced a gradual expansion of suffrage during the nineteenth century, also culminating with the extension of suffrage to women shortly after the First World War. More important than these similarities is that Germany's suffrage gains came by way of pressure from the top of political society. Chancellor Bismarck, used suffrage as a tool for ameliorating the influence of radical reformers and increasing and perpetuating the power of the monarchy. The establishment of citizenship suffered from the same

pressures to protect existing power by excluding non-Germans through *jus sanguini*. By contrast, Sweden's suffrage gains came about via pressure from below, in direct contravention to the established powers of the monarchy and state church. The struggle to overcome existing power supported a path to spread voting rights more broadly to those with a vested interest via *jus domicili*.

No attempt will be made to determine which of these two approaches merits greater praise. Sweden's approach to incorporating immigrants into the welfare state through specific policies of cultural accommodation, ease of naturalization (especially with generous allowance for dual citizenship), and incorporation of noncitizen residents in the political process deserves high praise for active and pragmatic consideration for the welfare of immigrants. The salient differences between the two countries are too numerous to list without the egregious omission of additional factors of import. One cultural factor stands out as having been particularly important: Sweden did not have the same pressures associated with much higher levels of more heterogeneous immigration that Germany faced. Perhaps the most important contributing factor to that outcome is the silent, but significant element of geography.

2. Geographic Proximity Influences Nationalism

The most important difference in the suffrage movement between Germany and Sweden was the explicit measures taken in Germany to limit the franchise to ethnic Germans via the principle of blood inheritance or *jus sanguinis*, whereas the reform pressure within Sweden was always towards a goal of greater inclusivity, using the principle of *jus domicili*. Bismarck's goal in perpetuating the power of the monarchy would necessarily lead to an attempt to limit the distribution of power via the franchise to groups that would be more loyal or easier to control, whereas the Swedish example showed that even when limited, the franchise could be extended to all those with a stake in the affairs of government via their taxes. A factor complimenting and magnifying these effects of *jus sanguinis* and *jus domicili* is simple geographic proximity.

The geographic proximity factor in these cases acts as a multiplier for the risks associated with extending the franchise in each country. Geography favors a more liberal

extension of the voting rights in Sweden and a more constrictive construction of voting rights in Germany. First, Germany's position at the center of continental Europe allowed much more access and communication with neighboring countries that were ethnically and linguistically different from Germany, German-speaking Austria excepted. By the time Bismarck is able to consolidate Imperial Germany using pan-German nationalism to unite the various German states, it would be easy to forget that German nationalism itself was in part a heightened reaction to Napoleonic conquests that had treated Germany as a intermediate stopping point between France and its pursuit of continental domination. The perception that Germans were surrounded by foreign, and sometimes unfriendly, nations would naturally reinforce the desire to limit incorporation of non-Germans from participation in the German *Volk*-nation, even if these non-Germans lived inside Germany. Indeed, the entire debate about a German state which might include Austria was not only about whether Austria or Prussia should be the most influential of the German states, but also about how to incorporate *Volk*-German Austria without also including the Hungarians, Czechs, Slovaks, Serbians and others connected to Austria through the empire.

Second, Sweden's location and geographic boundaries not only excluded it as the gateway between larger powers such as Russia and France, but its geographic neighbors were also ethnically or politically kinsmen to the Swedes. The geography alone meant that with the standard modes of transportation of the nineteenth century, Sweden did not face the migratory potential or pressure that Germany faced with Poles searching for work, or Germans needing Poles to work. Furthermore, the cultural and historical ties with its neighbors made differences much less pronounced between Sweden and its neighbors than the differences between Germany and its neighbors. Simply put, Sweden could afford to be more generous in pursuing a path of more inclusive democratic incorporation via *jus domicili* rather than selective incorporation via *jus sanguinis*, because it did not face the perceived risk of losing the country to outside influences. In this way, geographic proximity's influence on nationalism reinforces the motivations at work when comparing the top-down franchise movement of Bismarck, versus the bottom-up franchise movement of Swedish farmers.

3. Social Welfare Does Not Appear to Matter

As noted in the introduction, immigrants to Sweden pursue and receive citizenship at a rate fifteen times that of Germany.¹³⁷ Drawing the conclusion that Sweden's higher rates of naturalization somehow proves the superiority of its approach over Germany's would be unwarranted. Furthermore, the social welfare benefits available to immigrants in each country are similar enough that the apparent differences cannot be attributed to variations in the welfare state.

Both countries extend generous benefits to immigrants, including Germany, which does not "discriminate between citizen and noncitizen," in "contributory social welfare schemes."¹³⁸ Gregg Kvistad notes an irony within the state protections that generally apply to citizens and immigrants alike throughout Europe, writing that, "guest-workers in Europe, by means of integration in welfare regimes, labor markets, and other social institutions, have acquired significant statuses of membership in states that legally and politically are not their own."¹³⁹ With a more or less comparable approach to legal and social welfare for noncitizen, the various incentives and disincentives at work for individuals to pursue citizenship in Germany or Sweden reflect more than the appeal of the welfare state. Furthermore, extending access to the generous social welfare systems in place throughout much of Europe may give the false impression for host countries and citizens that such access will necessarily provide a positive normative influence on immigrants towards the host country through a sense of equality. Kvistad argues against this, writing, "Being treated as an equal by a welfare institution is not the same as acting as an equal. Petitioning courts for equal treatment, or having courts petitioned for you, is not the same as electing governments that appoint court judges."¹⁴⁰

¹³⁷ Brubaker, "Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis," 384.

¹³⁸ Gregg O. Kvistad, "Membership Without Politics? The Social and Political Rights of Foreigners in Germany," in *Immigration, Citizenship, and the Welfare State in Germany and the United States*, 141–157 (Stamford: JAI Press Inc., 1998): 147.

¹³⁹ Kvistad, "Membership Without Politics? The Social and Political Rights of Foreigners in Germany," in *Immigration, Citizenship, and the Welfare State in Germany and the United States*, 145.

¹⁴⁰ *Ibid.*, 144–145.

Other factors are clearly at work. Kvistad agrees, writing, “the ‘choice’ to remain a noncitizen even in the face of a relatively liberal naturalization policy reduces both the noncitizen and the community to role players in a system of material exchange. Membership becomes the right to get and have.”¹⁴¹ The difference between legal residency in a welfare state and citizenship is clear to immigrants.

B. SEVERAL QUESTIONS FOR FUTURE INVESTIGATION

1. Immigration Within the EU and Its Effect On Voting

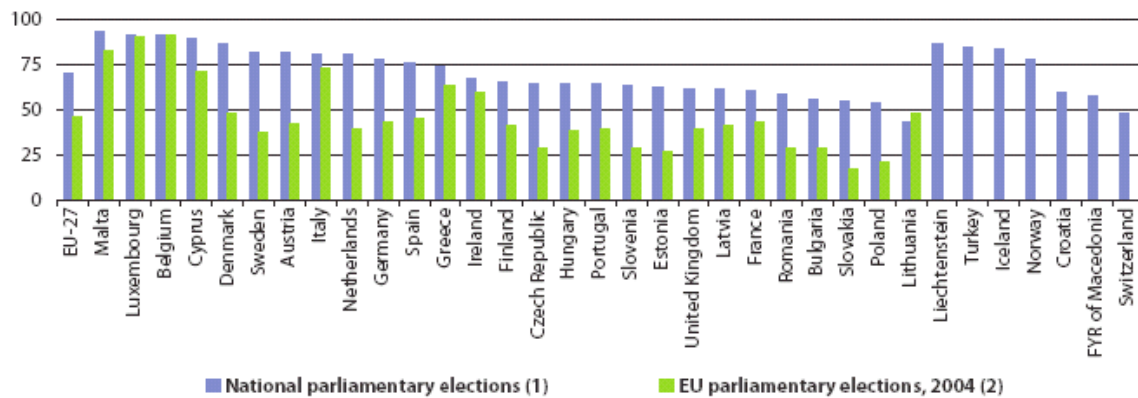
One of the changes instituted across the EU in recent years has been the asserted right to participate in local and EU elections. The rationale for the change follows the freedom of movement and legal protections that citizens of EU member states enjoy throughout the EU. In 2006, 1.2 million, or fully forty percent of immigrants that settled within the EU were citizens of other EU member states.¹⁴² This corresponds to a ten percent yearly increase from 2002 to 2006 in the number citizens of EU member states that have resettled to another country within the EU.¹⁴³ The political participation of these immigrants in their host countries, however, is completely unknown. Part of this is due to the changes allowing them the right to participate in local elections in their country of residence, both as voter and candidate, are fairly recent. Several question, however, arise relative to these changes: Does moving within the EU disrupt levels of voter participation? Do internal migrants show greater interest and or participation in EU parliamentary elections than citizens residing in their own countries? Rates of voter participation for EU elections has lagged the rates of participation for national elections by as little as a fraction of a percent in Belgium, where voting is mandatory and participation is about ninety percent, to as much as approximately forty percentage points in Sweden where national elections see participation rates in the neighborhood of eighty

¹⁴¹ Kvistad, "Membership Without Politics? The Social and Political Rights of Foreigners in Germany," in *Immigration, Citizenship, and the Welfare State in Germany and the United States*, 141.

¹⁴² Eurostat, "Immigration in the EU27 in 2006," *Eurostat Newsrelease*, November 18, 2008, <http://ec.europa.eu> (accessed November 4, 2009).

¹⁴³ Anne Herm, *Population and social conditions*, Statistical report, Eurostat, European Commission (Brussels: European Commission, 2008).

percent, but EU parliamentary elections draw less than forty percent.¹⁴⁴ (Figure 4) In addition to answering these questions, determining if the mobility of voters produces new or changing political preferences will also be important to understanding the increasingly mobile and evolving electorate within Europe.



(1) Latest elections: Spain, Italy, Lithuania, Malta, Austria, Slovenia and the former Yugoslav Republic of Macedonia, 2008; Belgium, Denmark, Estonia, Ireland, Greece, France, Poland, Finland, Croatia, Turkey, Iceland and Switzerland, 2007; the Czech Republic, Cyprus, Latvia, Hungary, the Netherlands, Slovakia and Sweden, 2006; Bulgaria, Denmark, Germany, Portugal, the United Kingdom, Liechtenstein and Norway, 2005; Luxembourg and Romania, 2004; EU-27, average estimated by Eurostat on the basis of the trends observed in each of the Member States for national parliamentary elections.

(2) Bulgaria and Romania, 2007; non-EU Member States, not applicable; EU-25 instead of EU-27.

Source: Eurostat (tsdgo310), International Institute for Democracy and Electoral Assistance

Figure 4. Comparative rates of participation in national and EU elections¹⁴⁵

2. Understanding the Metamorphosis from Immigrant to Citizen

Given the more inclusive process for incorporation of immigrants in Sweden and the push by Swedish governments to consider the rights and status of immigrants in the 1960s, there is naturally more data to analyze regarding immigrant voting participation in Sweden. The unfortunate problem is that the data only shows voter turnout of non-citizen residents as compared to Swedish citizens, and this turnout is lower and continues to decline at rates faster than for citizens. The data from Sweden also does not measure whether immigrants that vote also pursue naturalization at higher rates than non-voting

¹⁴⁴ Eurostat, *Good governance statistics*, September 2008, http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Good_governance_statistics (accessed November 4, 2009).

¹⁴⁵ Eurostat, *Good governance statistics*, September 2008, http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Good_governance_statistics (accessed November 4, 2009).

immigrants, not does it show the levels of voter participation for naturalized citizens. By contrast, the recognition of immigration by German governments is relatively recent, and there is a dearth of data on levels of voter participation for newly naturalized citizens or even for EU citizens participating in EU elections. Most important, the effects of voting rights for immigrants on their attitudes about democracy, its outcomes, and their economic, political, and civic participation in their host countries are completely unknown.

The policy concern here is that similar to the long denial by German governments over the existence of permanent immigration stunted pragmatic policy reform for naturalization of second and third generation immigrants, the absence of tracking data to reflect the acculturation or rejection of immigrants to democratic norms and values is can likewise prevent opportunities to craft policies to avoid conflicts and enhance the interaction between immigrants and their host countries. Significantly more time and research has been dedicated to the questions of Muslim integration, political and otherwise, into Western Europe. Researchers recognize the implications of the particular economic, social, religious, and political preferences that increasing levels of Muslim immigrants may bring. Zachary Shore conjectured in 2006 on the implications of such preferences:

America may not even recognize Europe in a few short decades. Within the next ten to twenty years, as European society becomes more Muslim and more infused with those from non-European cultures, social democracy will break down. The welfare state that has characterized European governments, whether on the political Left or Right, since the Second World War, will begin to fracture under the stress of cultural heterogeneity.¹⁴⁶

Many Europeans would consider the fracturing of social democracy and the dismantling of the associated welfare state an existential threat. The foundation of Shore's argument is twofold, the first part involves general policy preferences by Muslims to move away from vestiges of the welfare state, and the second part involves a reaction by established citizenries to not share with Muslims the benefits of social

¹⁴⁶ Zachary Shore, *Breeding Bin Ladens: America, Islam, and the Future of Europe* (Baltimore: Johns Hopkins University Press, 2006):155.

welfare that are only possible through very high levels of taxation. The results of the 2202-3 European Social Survey support the conclusions regarding exclusionary attitudes towards immigrants and outsiders for some countries. Perhaps counterintuitive to what one might expect after reviewing the details on Germany and Sweden, is that both of these countries, despite their very different legal backgrounds and formulas for immigrant enfranchisement, demonstrate high levels of acceptance for outside cultures.¹⁴⁷ Where respondents in these two countries differed the most was in their attitudes towards the endorsement of equal rights for immigrants, where Sweden was very high and Germany low, and whether governments ought to expel immigrants for criminal behavior or unemployment, where Germans were much more likely to support such actions and Swedes were most likely to oppose it.¹⁴⁸

These examples show that interaction between immigrants and host country cultures needs to be measured better in order to accurately understand the dynamics of existing integration to include causes and outcomes of alienation.

¹⁴⁷ Martinez-Herrera and Moualhi, *Public Opinion and Immigration Policies in five EU Countries: Accounting for (In)Consistency between Immigrants Selection and Integration Policies and Citizens' Attitudes*, 228.

¹⁴⁸ *Ibid.*, 226.

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